

**Senate File 510 - Reprinted**

SENATE FILE 510  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 1289)

(As Amended and Passed by the Senate May 14, 2015)

**A BILL FOR**

1 An Act relating to state and local finances by making  
2 appropriations, providing for fees, providing for legal  
3 responsibilities, providing for certain employee benefits,  
4 and providing for regulatory, taxation, and properly related  
5 matters, and including penalties and effective date and  
6 retroactive and other applicability provisions.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

STANDING APPROPRIATIONS AND RELATED MATTERS

Section 1. BUDGET PROCESS FOR FISCAL YEAR 2016-2017 AND FISCAL YEAR 2017-2018.

1. For the budget process applicable to the fiscal year beginning July 1, 2016, on or before October 1, 2015, in lieu of the information specified in section 8.23, subsection 1, unnumbered paragraph 1, and paragraph "a", all departments and establishments of the government shall transmit to the director of the department of management, on blanks to be furnished by the director, estimates of their expenditure requirements, including every proposed expenditure, for the ensuing fiscal year, together with supporting data and explanations as called for by the director of the department of management after consultation with the legislative services agency.

2. The estimates of expenditure requirements shall be in a form specified by the director of the department of management, and the expenditure requirements shall include all proposed expenditures and shall be prioritized by program or the results to be achieved. The estimates shall be accompanied by performance measures for evaluating the effectiveness of the programs or results.

Sec. 2. LIMITATIONS OF STANDING APPROPRIATIONS — FY 2015-2016. Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2015, and ending June 30, 2016, the amounts appropriated from the general fund of the state pursuant to these sections for the following designated purposes shall not exceed the following amounts:

1. For operational support grants and community cultural grants under section 99F.11, subsection 3, paragraph "d", subparagraph (1):  
..... \$ 416,702

2. For payment for nonpublic school transportation under section 285.2:

1 ..... \$ 8,560,931

2 If total approved claims for reimbursement for nonpublic  
3 school pupil transportation exceed the amount appropriated in  
4 accordance with this subsection, the department of education  
5 shall prorate the amount of each approved claim.

6 3. For the enforcement of chapter 453D relating to tobacco  
7 product manufacturers under section 453D.8:

8 ..... \$ 18,416

9 Sec. 3. LIMITATIONS OF STANDING APPROPRIATIONS — FY  
10 2016-2017. Notwithstanding the standing appropriations  
11 in the following designated sections for the fiscal year  
12 beginning July 1, 2016, and ending June 30, 2017, the amounts  
13 appropriated from the general fund of the state pursuant to  
14 these sections for the following designated purposes shall not  
15 exceed the following amounts:

16 1. For operational support grants and community cultural  
17 grants under section 99F.11, subsection 3, paragraph "d",  
18 subparagraph (1):

19 ..... \$ 208,351

20 2. For payment for nonpublic school transportation under  
21 section 285.2:

22 ..... \$ 8,560,931

23 If total approved claims for reimbursement for nonpublic  
24 school pupil transportation exceed the amount appropriated in  
25 accordance with this subsection, the department of education  
26 shall prorate the amount of each approved claim.

27 3. For the enforcement of chapter 453D relating to tobacco  
28 product manufacturers under section 453D.8:

29 ..... \$ 9,208

30 Sec. 4. INSTRUCTIONAL SUPPORT STATE AID — FY 2015-2016  
31 — FY 2016-2017. In lieu of the appropriation provided in  
32 section 257.20, subsection 2, the appropriation for the fiscal  
33 years beginning July 1, 2015, and July 1, 2016, for paying  
34 instructional support state aid under section 257.20 for such  
35 fiscal years is zero.



1 the fiscal year shall not revert but shall remain available for  
2 expenditure for the purposes designated until the close of the  
3 succeeding fiscal year.

4 Sec. 8. DEPARTMENT OF PUBLIC HEALTH. There is appropriated  
5 from the general fund of the state to the department of public  
6 health for the fiscal year beginning July 1, 2014, and ending  
7 June 30, 2015, the following amount to be used for the purposes  
8 designated:

9 For the public purpose of providing a grant on behalf of  
10 substance-related disorder treatment providers in accordance  
11 with this section:

12 ..... \$ 2,800,000

13 The appropriation made in this section shall be distributed  
14 as a grant to an association representing the majority of  
15 the nonprofit substance-related disorder treatment providers  
16 licensed under section 125.13 by the department as of January  
17 1, 2015, that receive federal prevention and treatment of  
18 substance abuse block grant funding through the department.  
19 The grant shall be used for bulk purchasing and to implement an  
20 electronic health record system in the providers that receive  
21 that federal grant. The electronic health record system  
22 implemented with the grant shall comply with the electronic  
23 health information provisions implemented pursuant to section  
24 135.156 and with the mental health and disabilities services  
25 system central data repository implemented pursuant to section  
26 225C.6A and other data requirements under chapter 225C. Each  
27 of the providers shall have the electronic health record system  
28 fully operational on or before July 1, 2018.

29 Notwithstanding section 8.33, moneys appropriated in this  
30 section that remain unencumbered or unobligated at the close  
31 of the fiscal year for which appropriated shall not revert  
32 but shall remain available for expenditure for the purposes  
33 designated until the close of the succeeding fiscal year.

34 Sec. 9. HEART ATTACK TREATMENT — APPROPRIATION. There  
35 is appropriated from the general fund of the state to the

1 department of public health for the fiscal year beginning July  
2 1, 2014, and ending June 30, 2015, the following amount, or  
3 so much thereof as is necessary, to be used for the purposes  
4 designated:

5 For a collaborative effort between the department of public  
6 health, the Iowa emergency medical services association, the  
7 American heart association, midwest affiliate, Iowa's health  
8 systems and hospitals, and emergency medical service providers,  
9 to supplement funding received through a grant from the Leona  
10 M. and Harry B. Helmsley charitable trust for a program to  
11 enhance systems of care, save lives, and improve outcomes  
12 for heart attack patients in rural Iowa called the mission:  
13 lifeline program:

14 ..... \$ 1,500,000

15 Moneys appropriated under this section shall be used  
16 to enhance the critical elements of an optimal ST-elevated  
17 myocardial infarction (STEMI) system of care including the  
18 provision of 12-lead electrocardiogram (EKG) machines, the  
19 provision of a systemwide data tool for quality measurement  
20 and improvement, ongoing medical provider training and STEMI  
21 education, coordination of protocols for rural emergency  
22 management systems and hospital personnel, the implementation  
23 of regional plans for rapid transport and transfer of patients,  
24 the implementation of a public education campaign on heart  
25 attack signs and symptoms and the need to activate the 911  
26 system, and the provision of assistance to hospitals and  
27 emergency medical services providers in acquiring essential  
28 electrocardiogram equipment and training.

29 Notwithstanding section 8.33, moneys appropriated in this  
30 section that remain unencumbered or unobligated at the close  
31 of the fiscal year for which appropriated shall not revert  
32 but shall remain available for expenditure for the purposes  
33 designated until the close of the fiscal year that begins July  
34 1, 2017.

35 Sec. 10. DEBT COLLECTIONS. The judicial branch shall

1 evaluate and study current practice for the collection of court  
2 debt. By January 1, 2016, the judicial branch shall file a  
3 report with the general assembly regarding the findings of the  
4 study. The report shall include any recommended changes that  
5 would increase the efficiency of collection of court debt.

6     Sec. 11. IOWA NEW JOBS TRAINING AGREEMENTS. An Iowa  
7 community college that entered into a new jobs training  
8 agreement pursuant to chapter 260E, which was effective  
9 in April 2012, with an Iowa employer may enter into a new  
10 agreement with such employer pursuant to chapter 260E,  
11 which will be effective September 2015, and may use the base  
12 employment determined in April 2012 as the base employment  
13 for determining the new jobs eligible under the new agreement  
14 if the base employment determined in April 2012 was 2,125  
15 employees. The new agreement under chapter 260E shall  
16 be limited to seven years from the effective date of the  
17 agreement.

18     Sec. 12. Section 8D.4, Code 2015, is amended to read as  
19 follows:

20     **8D.4 Executive director appointed.**

21     The commission, in consultation with the director of  
22 the department of administrative services and the chief  
23 information officer, shall appoint an executive director of  
24 the commission, subject to confirmation by the senate. Such  
25 individual shall not serve as a member of the commission.  
26 The executive director shall serve at the pleasure of the  
27 commission. The executive director shall be selected primarily  
28 for administrative ability and knowledge in the field, without  
29 regard to political affiliation. The governor shall establish  
30 the salary of the executive director within the applicable  
31 salary range ~~nine~~ as established by the general assembly. The  
32 salary and support of the executive director shall be paid from  
33 funds deposited in the Iowa communications network fund.

34     Sec. 13. Section 43.45, subsection 3, as enacted by 2015  
35 Iowa Acts, Senate File 415, section 1, is amended to read as

1 follows:

2 3. Notwithstanding any requirement to the contrary in  
3 subsection 1 and subsection 2, paragraph "c", the commissioner  
4 of a county using digital ballot counting technology may direct  
5 the precinct election officials to tally and record write-in  
6 votes at the precincts after the closing of the polls or may  
7 direct the precinct election officials to ~~sort the ballots by~~  
8 print the write-in report containing digital images of write-in  
9 votes for delivery to the special precinct board to tally and  
10 record the write-in votes on any day following election day and  
11 prior to the canvass by the board of supervisors under section  
12 43.49. For the purposes of this subsection "*digital ballot*  
13 *counting technology*" is technology in which digital images of  
14 write-in votes are printed by the precinct election officials  
15 at the polling place after the close of voting.

16 Sec. 14. NEW SECTION. 91A.5B Treatment of adoptive parent  
17 employees.

18 1. For purposes of this section, "*adoption*" means the  
19 permanent placement in this state of a child by the department  
20 of human services, by a licensed agency under chapter 238, by  
21 an agency that meets the provisions of the interstate compact  
22 in section 232.158, or by a person making an independent  
23 placement according to the provisions of chapter 600.

24 2. An employer shall treat an employee who chooses to  
25 adopt in the same manner as an employee who is the biological  
26 parent of a newborn child for purposes of employment policies,  
27 benefits, and protections for the first year of the adoption.

28 Sec. 15. Section 97A.6, subsection 11, Code 2015, is amended  
29 by striking the subsection.

30 Sec. 16. Section 123.132, subsection 3, as enacted by 2015  
31 Iowa Acts, Senate File 456, section 1, is amended to read as  
32 follows:

33 3. A container of beer other than the original container  
34 that is sold and sealed in compliance with the requirements of  
35 subsection 2 and the division's rules shall not be deemed an

1 open container subject to the requirements of sections 321.284  
2 and 321.284A if the sealed container is unopened and the seal  
3 has not been tampered with, and the contents of the container  
4 have not been partially removed.

5 Sec. 17. Section 136C.3, subsection 10, Code 2015, is  
6 amended to read as follows:

7 10. a. Adopt rules specifying the minimum training and  
8 performance standards for an individual using a radiation  
9 machine for mammography, and other rules necessary to  
10 implement section 136C.15. The rules shall complement federal  
11 requirements applicable to similar radiation machinery and  
12 shall not be less stringent than those federal requirements.

13 b. (1) Adopt rules to require that, by January 1, 2016,  
14 a facility at which mammography services are performed shall  
15 include information on breast density in mammogram reports sent  
16 to patients pursuant to regulations implementing the federal  
17 Mammography Quality Standards Act of 1992, Pub. L. No. 102-539,  
18 as amended. If a patient is categorized by an interpreting  
19 physician at the facility as having heterogeneously dense  
20 breasts or extremely dense breasts based on standards as  
21 defined in nationally recognized guidelines or systems for  
22 breast imaging reporting of mammography screening, including  
23 the breast imaging reporting and data system of the American  
24 college of radiology, the report to the patient shall include  
25 notice that the patient has dense breast tissue, that this may  
26 make it more difficult to detect cancer on a mammogram, and  
27 that it may increase the patient's risk of breast cancer. The  
28 notice may contain the following language:

29 State law requires the following notification:

30 Your mammogram indicates that you have dense breast tissue.  
31 Dense breast tissue may make it more difficult to evaluate the  
32 results of your mammogram and may also be associated with an  
33 increased risk of breast cancer. You are encouraged to consult  
34 with your primary health care provider regarding the results of  
35 your mammogram. Together you can best decide which additional

1 screening options may be right for you based on your mammogram  
2 results, individual risk factors, or physical examination.

3 (2) Nothing in this paragraph "b" shall be construed to  
4 modify the existing liability of a facility where mammography  
5 services are performed beyond the duty to provide the  
6 information set forth in this paragraph "b".

7 (3) Nothing in this paragraph "b" shall be deemed to require  
8 a notice or the provision of information that is inconsistent  
9 with the provisions of the federal Mammography Quality  
10 Standards Act of 1992, Pub. L. No. 102-539, as amended, or any  
11 regulations promulgated pursuant to that Act.

12 Sec. 18. Section 155A.27, Code 2015, is amended to read as  
13 follows:

14 **155A.27 Requirements for prescription.**

15 To be valid, each prescription drug order issued  
16 or dispensed in this state must be based on a valid  
17 patient-practitioner relationship, and shall comply with all  
18 of the following:

19 1. ~~If written, electronic, or facsimile,~~ shall contain:

20 a. The date of issue.

21 b. The name and address of the patient for whom, or the  
22 owner of the animal for which, the drug is dispensed.

23 c. The name, strength, and quantity of the drug, medicine,  
24 or device prescribed.

25 d. The directions for use of the drug, medicine, or device  
26 prescribed.

27 e. The name, address, and written or electronic signature of  
28 the practitioner issuing the prescription.

29 f. The federal drug enforcement administration number, if  
30 required under chapter 124.

31 2. If electronic, the practitioner issuing the prescription  
32 shall furnish the same information required for a written  
33 prescription under subsection 1, except for the written or  
34 electronic signature of the practitioner unless otherwise  
35 required by federal law or chapter 124, and shall:

1     ~~a. The practitioner shall ensure~~ Ensure that the electronic  
2 system used to transmit the electronic prescription has  
3 adequate security and system safeguards designed to prevent and  
4 detect unauthorized access, modification, or manipulation of  
5 the prescription.

6     ~~b. The practitioner shall provide~~ Provide verbal  
7 verification of the electronic prescription upon the request of  
8 the pharmacy.

9     3. *a.* If facsimile, in addition to the requirements of  
10 subsection 1, shall contain all of the following:

11     (1) The identification number of the facsimile machine  
12 which is used to transmit the prescription.

13     (2) The time and date of transmission of the prescription.

14     (3) The name, address, telephone number, and facsimile  
15 number of the pharmacy to which the prescription is being  
16 transmitted.

17     *b.* A practitioner shall provide verbal verification of the  
18 facsimile prescription upon the request of the pharmacy.

19     4. If oral, the practitioner issuing the prescription  
20 shall furnish the same information required for a written  
21 prescription under subsection 1, except for the written  
22 signature and address of the practitioner. Upon receipt of  
23 an oral prescription, the pharmacist shall promptly reduce  
24 the oral prescription to a written format by recording the  
25 information required in a written prescription.

26     Sec. 19. Section 249M.5, Code 2015, is amended to read as  
27 follows:

28     **249M.5 Future repeal.**

29     This chapter is repealed ~~June 30, 2016~~ December 31, 2015.

30     Sec. 20. Section 256.9, Code 2015, is amended by adding the  
31 following new subsection:

32     NEW SUBSECTION. 66. Dedicate at least one-half of one of  
33 the department's authorized full-time equivalent positions  
34 to maintain a fine arts consultant to provide guidance  
35 and assistance, including but not limited to professional

1 development, strategies, and materials, to the department,  
2 school districts, and accredited nonpublic schools relating  
3 to music, visual art, drama and theater, and other fine and  
4 applied arts programs and coursework.

5 Sec. 21. Section 261.110, subsection 3, Code 2015, is  
6 amended by adding the following new paragraph:

7 NEW PARAGRAPH. c. The applicant met all of the eligibility  
8 requirements of this section on or after January 1, 2013. A  
9 person who met the program eligibility requirements of this  
10 section prior to January 1, 2013, is ineligible for this  
11 program.

12 Sec. 22. Section 418.9, subsection 8, Code 2015, is amended  
13 to read as follows:

14 8. If, following approval of a project application under the  
15 program, it is determined that the amount of federal financial  
16 assistance exceeds the amount of federal financial assistance  
17 specified in the application, the board shall reduce the award  
18 of financial assistance from the flood mitigation fund or  
19 reduce the amount of sales tax revenue to be received for the  
20 project by a corresponding amount. However, a reduction in  
21 the amount of sales tax revenue to be received for the project  
22 shall not be reduced if the additional federal financial  
23 assistance does not reduce the need for sales tax revenue due  
24 to an increase in project costs incurred following the approval  
25 of the project application under the program.

26 Sec. 23. Section 418.15, subsection 1, Code 2015, is amended  
27 to read as follows:

28 1. A governmental entity shall not receive remittances of  
29 sales tax revenue under this chapter after twenty years from  
30 the date the governmental entity's project was approved by the  
31 board unless the remittance amount is calculated under section  
32 418.11 based on sales subject to the tax under section 432.2  
33 occurring before the expiration of the twenty-year period.

34 Sec. 24. Section 441.37A, subsection 1, paragraph a, Code  
35 2015, is amended to read as follows:

1     a. For the assessment year beginning January 1, 2007, and  
2 all subsequent assessment years beginning before January 1,  
3 ~~2018~~ 2021, appeals may be taken from the action of the board of  
4 review with reference to protests of assessment, valuation, or  
5 application of an equalization order to the property assessment  
6 appeal board created in section 421.1A. However, a property  
7 owner or aggrieved taxpayer or an appellant described in  
8 section 441.42 may bypass the property assessment appeal board  
9 and appeal the decision of the local board of review to the  
10 district court pursuant to section 441.38.

11     Sec. 25. Section 505.19, Code 2015, is amended by adding the  
12 following new subsection:

13     NEW SUBSECTION. 4A. Notwithstanding subsection 1, a health  
14 insurance carrier licensed to do business in this state that  
15 participates in the health benefits exchange used in this state  
16 and created pursuant to the federal Patient Protection and  
17 Affordable Care Act, Pub. L. No. 111-148, as amended by the  
18 federal Health Care and Education Reconciliation Act of 2010,  
19 Pub. L. No. 111-152, shall not be subject to the requirements  
20 of this section for health plans issued by the health insurance  
21 carrier that are filed and purchased within the exchange or the  
22 matching health plans issued by the health insurance carrier  
23 that are purchased outside of the exchange. However, such  
24 a health insurance carrier shall inform policyholders who  
25 purchase such health plans of their total premium due and  
26 any rate increases to their premium for each upcoming policy  
27 year. Such notice shall be provided thirty days prior to  
28 the beginning of open enrollment for the health plans and  
29 shall provide policyholders with information about how the  
30 policyholder can contact the insurance division to submit a  
31 comment about a proposed rate increase. A health insurance  
32 carrier subject to this subsection shall be subject to all  
33 other applicable state and federal laws.

34     Sec. 26. Section 602.1304, subsection 2, paragraph a, Code  
35 2015, is amended to read as follows:

1     a. The enhanced court collections fund is created in the  
2 state treasury under the authority of the supreme court. The  
3 fund shall be separate from the general fund of the state and  
4 the balance in the fund shall not be considered part of the  
5 balance of the general fund of the state. Notwithstanding  
6 section 8.33, moneys in the fund shall not revert to the  
7 general fund, unless and to the extent the total amount  
8 of moneys deposited into the fund in a fiscal year would  
9 exceed the maximum annual deposit amount established for  
10 the collections fund by the general assembly. ~~The initial~~  
11 ~~maximum annual deposit amount for a fiscal year is four million~~  
12 ~~dollars.~~ Notwithstanding section 12C.7, subsection 2, interest  
13 or earnings on moneys in the collections fund shall remain in  
14 the collections fund and any interest and earnings shall be in  
15 addition to the maximum annual deposit amount. The maximum  
16 annual deposit amount shall be the following amounts for the  
17 following fiscal years:

18     (1) For the fiscal year beginning July 1, 2015, seven  
19 million dollars.

20     (2) For the fiscal year beginning July 1, 2016, seven  
21 million dollars.

22     (3) For the fiscal year beginning July 1, 2017, seven  
23 million dollars.

24     (4) For the fiscal year beginning July 1, 2018, five million  
25 dollars.

26     (5) For the fiscal year beginning July 1, 2019, and each  
27 fiscal year thereafter, four million five hundred thousand  
28 dollars.

29     Sec. 27. Section 633.535, Code 2015, is amended by adding  
30 the following new subsection:

31     NEW SUBSECTION. 4. a. A named beneficiary of a bond,  
32 life insurance policy, or any other contractual arrangement  
33 convicted of a felony referenced in paragraph "d" that was  
34 perpetrated against the principal obligee or person upon  
35 whose life the policy is issued or whose death generates the

1 benefits under any other contractual arrangement, in the six  
2 months immediately prior to the obligee's or person's death, is  
3 not entitled to any benefit under the bond, policy, or other  
4 contractual arrangement.

5 *b.* The procedure set out in section 633.536 applies and  
6 the benefits become payable as though the convicted obligee or  
7 person had predeceased the decedent.

8 *c.* However, a principal obligee or person upon whose life  
9 the policy is issued or whose death generates the benefits  
10 under any other contractual arrangement, in the six months  
11 immediately prior to the obligee's or person's death, may  
12 affirm by a signed, notarized affidavit that the beneficiary  
13 should receive any benefit under the bond, policy, or other  
14 contractual arrangement despite a felony conviction referenced  
15 in this subsection.

16 *d.* This subsection applies to a conviction for any of the  
17 following felonies:

18 (1) Any felony contained in chapter 707.

19 (2) Any felony contained in chapter 708.

20 (3) Any felony contained in chapter 709.

21 (4) Any felony contained in chapter 710.

22 Sec. 28. Section 708.2A, subsection 1, Code 2015, is amended  
23 to read as follows:

24 1. For the purposes of this chapter, "*domestic abuse*  
25 *assault*" means an assault, as defined in section 708.1, which  
26 is domestic abuse as defined in section 236.2, subsection 2,  
27 paragraph "*a*", "*b*", "*c*", or "*d*", or "*e*".

28 Sec. 29. NEW SECTION. 708.11A **Unauthorized placement of**  
29 **global positioning device.**

30 1. A person commits unauthorized placement of a global  
31 positioning device, when, with intent to intimidate, annoy, or  
32 alarm another person, the person, without the consent of the  
33 other person, places a global positioning device on the other  
34 person or an object in order to track the movements of the  
35 other person without a legitimate purpose.

1 2. A person who commits a violation of this section commits  
2 a serious misdemeanor.

3 Sec. 30. Section 715A.9A, subsection 1, paragraph a, Code  
4 2015, is amended to read as follows:

5 a. Is a victim of identity theft in this state ~~as described~~  
6 ~~in section 715A.8~~ or resides in this state at the time the  
7 person is a victim of identity theft.

8 Sec. 31. EFFECTIVE UPON ENACTMENT. The following provision  
9 or provisions of this division of this Act, being deemed of  
10 immediate importance, take effect upon enactment:

11 1. The section of this division of this Act appropriating  
12 moneys to the department of corrections for the fiscal  
13 year beginning July 1, 2014, and ending June 30, 2015, for  
14 operations including training and additional costs associated  
15 with the new correctional facility located in Fort Madison.

16 2. The section of this division of this Act appropriating  
17 moneys to the department of public health for the fiscal year  
18 beginning July 1, 2014, and ending June 30, 2015, for purposes  
19 of providing a grant on behalf of substance-related disorder  
20 treatment providers.

21 3. The section of this division of this Act appropriating  
22 moneys to the department of public health for the fiscal year  
23 beginning July 1, 2014, and ending June 30, 2015, for purposes  
24 of providing a collaborative effort between certain entities  
25 for heart attack patients.

26 DIVISION III

27 SALARIES, COMPENSATION, AND RELATED MATTERS

28 Sec. 32. SPECIAL FUNDS. For the fiscal year beginning  
29 July 1, 2015, and ending June 30, 2016, and for the fiscal  
30 year beginning July 1, 2016, and ending June 30, 2017, salary  
31 adjustments may be funded using departmental revolving, trust,  
32 or special funds for which the general assembly has established  
33 an operating budget, provided doing so does not exceed the  
34 operating budget established by the general assembly.

35 Sec. 33. SALARY MODEL ADMINISTRATOR. The salary model

1 administrator shall work in conjunction with the legislative  
2 services agency to maintain the state's salary model used for  
3 analyzing, comparing, and projecting state employee salary  
4 and benefit information, including information relating to  
5 employees of the state board of regents. The department of  
6 revenue, the department of administrative services, the five  
7 institutions under the jurisdiction of the state board of  
8 regents, the judicial district departments of correctional  
9 services, and the state department of transportation shall  
10 provide salary data to the department of management and the  
11 legislative services agency to operate the state's salary  
12 model. The format and frequency of provision of the salary  
13 data shall be determined by the department of management and  
14 the legislative services agency. The information shall be  
15 used in collective bargaining processes under chapter 20 and  
16 in calculating the funding needs contained within the annual  
17 salary adjustment legislation. A state employee organization  
18 as defined in section 20.3, subsection 4, may request  
19 information produced by the model, but the information provided  
20 shall not contain information attributable to individual  
21 employees.

22 DIVISION IV

23 CORRECTIVE PROVISIONS

24 Sec. 34. Section 123.122, Code 2015, as amended by 2015  
25 Iowa Acts, House File 536, section 48, is amended to read as  
26 follows:

27 **123.122 Permit or license required.**

28 A person shall not manufacture for sale or sell beer at  
29 wholesale or retail unless a permit is first obtained as  
30 provided in this subchapter or, a liquor control license  
31 authorizing the retail sale of beer is first obtained as  
32 provided in ~~division~~ subchapter I of this chapter. A liquor  
33 control license holder is not required to hold a separate class  
34 "B" beer permit.

35 Sec. 35. Section 227.10, Code 2015, as amended by 2015

1 Iowa Acts, Senate File 463, section 53, is amended to read as  
2 follows:

3 **227.10 Transfers from county or private institutions.**

4 Patients who have been admitted at public expense to  
5 any institution to which this chapter is applicable may be  
6 involuntarily transferred to the proper state hospital for  
7 persons with mental illness in the manner prescribed by  
8 sections 229.6 to 229.13. The application required by section  
9 229.6 may be filed by the administrator of the division or  
10 the administrator's designee, or by the administrator of the  
11 institution where the patient is then being maintained or  
12 treated. If the patient was admitted to that institution  
13 involuntarily, the administrator of the division may arrange  
14 and complete the transfer, and shall report it as required of a  
15 chief medical officer under section 229.15, subsection 5. The  
16 transfer shall be made at the mental health and ~~disabilities~~  
17 disability services region's expense, and the expense  
18 recovered, as provided in section 227.7. However, transfer  
19 under this section of a patient whose expenses are payable  
20 in whole or in part by a the mental health and ~~disabilities~~  
21 disability services region is subject to an authorization  
22 for the transfer through the regional administrator for the  
23 patient's county of residence.

24 Sec. 36. Section 227.14, Code 2015, as amended by 2015  
25 Iowa Acts, Senate File 463, section 56, is amended to read as  
26 follows:

27 **227.14 Caring for persons with mental illness from other  
28 counties.**

29 The regional administrator for a county that does not have  
30 proper facilities for caring for persons with mental illness  
31 may, with the consent of the administrator of the division,  
32 provide for such care at the expense of the mental health and  
33 ~~disabilities~~ disability services region in any convenient and  
34 proper county or private institution for persons with mental  
35 illness which is willing to receive the persons.

1     Sec. 37. Section 229.1B, Code 2015, as amended by 2015  
2 Iowa Acts, Senate File 463, section 59, is amended to read as  
3 follows:

4     **229.1B Regional administrator.**

5     Notwithstanding any provision of this chapter to the  
6 contrary, any person whose hospitalization expenses  
7 are payable in whole or in part by a mental health and  
8 ~~disabilities~~ disability services region shall be subject to all  
9 administrative requirements of the regional administrator for  
10 the county.

11    Sec. 38. Section 229.2, subsection 1, paragraph b,  
12 subparagraph (3), Code 2015, as amended by 2015 Iowa Acts,  
13 Senate File 463, section 60, is amended to read as follows:

14    (3) As soon as is practicable after the filing of a  
15 petition for juvenile court approval of the admission of the  
16 minor, the juvenile court shall determine whether the minor  
17 has an attorney to represent the minor in the hospitalization  
18 proceeding, and if not, the court shall assign to the minor  
19 an attorney. If the minor is financially unable to pay for  
20 an attorney, the attorney shall be compensated by the mental  
21 health and ~~disabilities~~ disability services region at an hourly  
22 rate to be established by the regional administrator for the  
23 county in which the proceeding is held in substantially the  
24 same manner as provided in section 815.7.

25    Sec. 39. Section 229.8, subsection 1, Code 2015, as amended  
26 by 2015 Iowa Acts, Senate File 463, section 61, is amended to  
27 read as follows:

28    1. Determine whether the respondent has an attorney  
29 who is able and willing to represent the respondent in the  
30 hospitalization proceeding, and if not, whether the respondent  
31 is financially able to employ an attorney and capable of  
32 meaningfully assisting in selecting one. In accordance with  
33 those determinations, the court shall if necessary allow the  
34 respondent to select, or shall assign to the respondent, an  
35 attorney. If the respondent is financially unable to pay an

1 attorney, the attorney shall be compensated by the mental  
2 health and ~~disabilities~~ disability services region at an hourly  
3 rate to be established by the regional administrator for the  
4 county in which the proceeding is held in substantially the  
5 same manner as provided in section 815.7.

6 Sec. 40. Section 229.10, subsection 1, paragraph a, Code  
7 2015, as amended by 2015 Iowa Acts, Senate File 463, section  
8 62, is amended to read as follows:

9 a. An examination of the respondent shall be conducted by  
10 one or more licensed physicians, as required by the court's  
11 order, within a reasonable time. If the respondent is detained  
12 pursuant to section 229.11, subsection 1, paragraph "b",  
13 the examination shall be conducted within twenty-four hours.  
14 If the respondent is detained pursuant to section 229.11,  
15 subsection 1, paragraph "a" or "c", the examination shall  
16 be conducted within forty-eight hours. If the respondent  
17 so desires, the respondent shall be entitled to a separate  
18 examination by a licensed physician of the respondent's own  
19 choice. The reasonable cost of the examinations shall, if the  
20 respondent lacks sufficient funds to pay the cost, be paid by  
21 the regional administrator from mental health and ~~disabilities~~  
22 disability services region funds upon order of the court.

23 Sec. 41. Section 229.11, subsection 1, unnumbered paragraph  
24 1, Code 2015, as amended by 2015 Iowa Acts, Senate File 463,  
25 section 63, is amended to read as follows:

26 If the applicant requests that the respondent be taken into  
27 immediate custody and the judge, upon reviewing the application  
28 and accompanying documentation, finds probable cause to believe  
29 that the respondent has a serious mental impairment and is  
30 likely to injure the respondent or other persons if allowed  
31 to remain at liberty, the judge may enter a written order  
32 directing that the respondent be taken into immediate custody  
33 by the sheriff or the sheriff's deputy and be detained until  
34 the hospitalization hearing. The hospitalization hearing shall  
35 be held no more than five days after the date of the order,

1 except that if the fifth day after the date of the order is  
2 a Saturday, Sunday, or a holiday, the hearing may be held  
3 on the next succeeding business day. If the expenses of a  
4 respondent are payable in whole or in part by a mental health  
5 and ~~disabilities~~ disability services region, for a placement in  
6 accordance with paragraph "a", the judge shall give notice of  
7 the placement to the regional administrator for the county in  
8 which the court is located, and for a placement in accordance  
9 with paragraph "b" or "c", the judge shall order the placement  
10 in a hospital or facility designated through the regional  
11 administrator. The judge may order the respondent detained for  
12 the period of time until the hearing is held, and no longer,  
13 in accordance with paragraph "a", if possible, and if not then  
14 in accordance with paragraph "b", or, only if neither of these  
15 alternatives is available, in accordance with paragraph "c".  
16 Detention may be:

17 Sec. 42. Section 229.13, subsection 1, paragraph a, Code  
18 2015, as amended by 2015 Iowa Acts, Senate File 463, section  
19 64, is amended to read as follows:

20 a. The court shall order a respondent whose expenses  
21 are payable in whole or in part by a mental health and  
22 ~~disabilities~~ disability services region placed under the care  
23 of an appropriate hospital or facility designated through the  
24 county's regional administrator on an inpatient or outpatient  
25 basis.

26 Sec. 43. Section 229.14, subsection 2, paragraph a, Code  
27 2015, as amended by 2015 Iowa Acts, Senate File 463, section  
28 65, is amended to read as follows:

29 a. For a respondent whose expenses are payable in whole  
30 or in part by a mental health and ~~disabilities~~ disability  
31 services region, placement as designated through the county's  
32 regional administrator in the care of an appropriate hospital  
33 or facility on an inpatient or outpatient basis, or other  
34 appropriate treatment, or in an appropriate alternative  
35 placement.

1     Sec. 44. Section 229.14A, subsection 7, Code 2015, as  
2 amended by 2015 Iowa Acts, Senate File 463, section 66, is  
3 amended to read as follows:

4     7. If a respondent's expenses are payable in whole or in  
5 part by a mental health and ~~disabilities~~ disability services  
6 region through the county's regional administrator, notice of  
7 a placement hearing shall be provided to the county attorney  
8 and the regional administrator. At the hearing, the county may  
9 present evidence regarding appropriate placement.

10    Sec. 45. Section 229.42, subsection 1, Code 2015, as amended  
11 by 2015 Iowa Acts, Senate File 463, section 68, is amended to  
12 read as follows:

13    1. If a person wishing to make application for voluntary  
14 admission to a mental hospital established by chapter 226 is  
15 unable to pay the costs of hospitalization or those responsible  
16 for the person are unable to pay the costs, application for  
17 authorization of voluntary admission must be made through a  
18 regional administrator before application for admission is  
19 made to the hospital. The person's county of residence shall  
20 be determined through the regional administrator and if the  
21 admission is approved through the regional administrator,  
22 the person's admission to a mental health hospital shall be  
23 authorized as a voluntary case. The authorization shall be  
24 issued on forms provided by the department of human services'  
25 administrator. The costs of the hospitalization shall be paid  
26 by the county of residence through the regional administrator  
27 to the department of human services and credited to the general  
28 fund of the state, provided that the mental health hospital  
29 rendering the services has certified to the county auditor  
30 of the county of residence and the regional administrator  
31 the amount chargeable to the mental health and ~~disabilities~~  
32 disability services region and has sent a duplicate statement  
33 of the charges to the department of human services. A mental  
34 health and ~~disabilities~~ disability services region shall not be  
35 billed for the cost of a patient unless the patient's admission

1 is authorized through the regional administrator. The mental  
2 health institute and the regional administrator shall work  
3 together to locate appropriate alternative placements and  
4 services, and to educate patients and family members of  
5 patients regarding such alternatives.

6 Sec. 46. Section 230.1, subsection 3, Code 2015, as amended  
7 by 2015 Iowa Acts, Senate File 463, section 69, is amended to  
8 read as follows:

9 3. A mental health and ~~disabilities~~ disability services  
10 region or county of residence is not liable for costs and  
11 expenses associated with a person with mental illness unless  
12 the costs and expenses are for services and other support  
13 authorized for the person through the county's regional  
14 administrator. For the purposes of this chapter, "*regional*  
15 *administrator*" means the same as defined in section 331.388.

16 Sec. 47. Section 230.20, subsection 2, paragraph b, Code  
17 2015, as amended by 2015 Iowa Acts, Senate File 463, section  
18 71, is amended to read as follows:

19 b. The per diem costs billed to each mental health and  
20 ~~disabilities~~ disability services region shall not exceed  
21 the per diem costs billed to the county in the fiscal year  
22 beginning July 1, 1996. However, the per diem costs billed to  
23 a mental health and ~~disabilities~~ disability services region  
24 may be adjusted annually to reflect increased costs, to the  
25 extent of the percentage increase in the statewide per capita  
26 expenditure target amount, if any per capita growth amount  
27 is authorized by the general assembly for the fiscal year in  
28 accordance with section 426B.3.

29 Sec. 48. Section 279.10, subsection 1, Code 2015, as amended  
30 by 2015 Iowa Acts, Senate File 227, section 2, is amended to  
31 read as follows:

32 1. The school year for each school district and accredited  
33 nonpublic school shall begin on July 1 and the school calendar  
34 shall begin no sooner than August 23 and no later than the  
35 first Monday in December. The school calendar shall include

1 not less than one hundred eighty days, ~~except as provided in~~  
2 ~~subsection 3,~~ or one thousand eighty hours of instruction  
3 during the calendar year. The board of directors of a school  
4 district and the authorities in charge of an accredited  
5 nonpublic school shall determine the school start date for  
6 the school calendar in accordance with this subsection and  
7 shall set the number of days or hours of required attendance  
8 for the school year as provided in section 299.1, subsection  
9 2, but the board of directors of a school district shall  
10 hold a public hearing on any proposed school calendar prior  
11 to adopting the school calendar. If the board of directors  
12 of a district or the authorities in charge of an accredited  
13 nonpublic school extends the school calendar because inclement  
14 weather caused the school district or accredited nonpublic  
15 school to temporarily close during the regular school calendar,  
16 the school district or accredited nonpublic school may excuse a  
17 graduating senior who has met district or school requirements  
18 for graduation from attendance during the extended school  
19 calendar. A school corporation may begin employment of  
20 personnel for in-service training and development purposes  
21 before the date to begin elementary and secondary school.

22 Sec. 49. Section 426B.5, subsection 2, paragraph c, Code  
23 2015, as amended by 2015 Iowa Acts, Senate File 463, section  
24 78, is amended to read as follows:

25 *c.* A risk pool board is created. The board shall consist of  
26 two county supervisors, two county auditors, a member of the  
27 mental health and disability services commission who is not a  
28 member of a county board of supervisors, a member of the county  
29 finance committee created in chapter 333A who is not an elected  
30 official, a representative of a provider of mental health or  
31 developmental disabilities services selected from nominees  
32 submitted by the Iowa association of community providers, and  
33 two staff members of regional administrators of county mental  
34 health and disability services regions, all appointed by the  
35 governor, and one member appointed by the director of human

1 services. All members appointed by the governor shall be  
2 subject to confirmation by the senate. Members shall serve for  
3 three-year terms. A vacancy shall be filled in the same manner  
4 as the original appointment. Expenses and other costs of the  
5 risk pool board members representing counties shall be paid by  
6 the county of origin. Expenses and other costs of risk pool  
7 board members who do not represent counties shall be paid from  
8 a source determined by the governor. Staff assistance to the  
9 board shall be provided by the department of human services and  
10 counties. Actuarial expenses and other direct administrative  
11 costs shall be charged to the pool.

12 Sec. 50. Section 459A.302, subsection 1, paragraph a,  
13 unnumbered paragraph 1, Code 2015, as amended by 2015 Iowa  
14 Acts, House File 583, section 33, if enacted, is amended to  
15 read as follows:

16 Prior to constructing a settled open feedlot effluent basin  
17 or an animal truck wash effluent structure, the site for the  
18 basin or structure shall be investigated for a drainage tile  
19 line by the owner of the open feedlot operation or animal truck  
20 wash facility. The investigation shall be made by digging a  
21 core trench to a depth of at least six feet deep from ground  
22 level at the projected center of the berm of the basin or  
23 structure. If a drainage tile line is discovered, one of the  
24 following solutions shall be implemented:

25 Sec. 51. Section 459A.302, subsection 2, paragraph a, Code  
26 2015, as amended by 2015 Iowa Acts, House File 583, section 34,  
27 if enacted, is amended to read as follows:

28 a. The settled open feedlot effluent basin or an animal  
29 truck wash effluent structure shall be constructed with a  
30 minimum separation of two feet between the top of the liner of  
31 the basin or structure and the seasonal high-water table.

32 Sec. 52. Section 459A.404, subsection 3, paragraphs b and c,  
33 if enacted by 2015 Iowa Acts, House File 583, section 41, are  
34 amended to read as follows:

35 b. For purposes of section 459.310, subsection 4, the

1 provisions relating to an unformed manure storage structure  
2 shall apply to an unformed animal truck wash effluent structure  
3 and the provisions relating to a formed manure storage  
4 structure shall apply to a formed animal truck wash effluent  
5 structure. However, the  
6 ~~c. Notwithstanding section 459.310, subsection 4, a~~  
7 requirement in section 459.310, subsection 4, paragraph "a",  
8 relating to animal weight capacity or animal unit capacity  
9 shall not apply to the replacement of an unformed animal  
10 truck wash effluent structure with a formed animal truck wash  
11 effluent structure. In addition, the capacity of a replacement  
12 animal truck wash effluent structure shall not exceed the  
13 amount required to store animal truck wash effluent for any  
14 eighteen-month period.

15 Sec. 53. Section 459A.411, Code 2015, as amended by 2015  
16 Iowa Acts, House File 583, section 43, if enacted, is amended  
17 to read as follows:

18 **459A.411 Discontinuance of operations.**

19 The owner of an open feedlot operation or animal truck  
20 wash facility who discontinues its operation shall remove all  
21 effluent from related open feedlot operation structures or  
22 animal truck wash effluent structures used to store effluent,  
23 as soon as practical but not later than six months following  
24 the date the operations of the open feedlot operation or animal  
25 truck wash facility ~~is~~ are discontinued.

26 Sec. 54. Section 476.53, subsection 3, paragraph a,  
27 subparagraph (1), Code 2015, as amended by 2015 Iowa Acts,  
28 House File 535, section 61, is amended to read as follows:

29 (1) (a) Files an application pursuant to section 476A.3 to  
30 construct in Iowa a baseload electric power generating facility  
31 with a nameplate generating capacity equal to or greater  
32 than three hundred megawatts or a combined-cycle electric  
33 power generating facility, or an alternate energy production  
34 facility as defined in section 476.42, or to significantly  
35 alter an existing generating facility. For purposes of

1 this subparagraph, a significant alteration of an existing  
2 generating facility must, in order to qualify for establishment  
3 of ratemaking principles, fall into one of the following  
4 categories:

5 (i) Conversion of a coal fueled facility into a gas fueled  
6 facility.

7 (ii) Addition of carbon capture and storage facilities at  
8 a coal fueled facility.

9 (iii) Addition of gas fueled capability to a coal fueled  
10 facility, in order to convert the facility to one that will  
11 rely primarily on gas for future generation.

12 (iv) Addition of a biomass fueled capability to a coal  
13 fueled facility.

14 (b) With respect to a significant alteration of an existing  
15 generating facility, an original facility shall not be required  
16 to be either a baseload or a combined-cycle facility. Only  
17 the incremental investment undertaken by a utility under  
18 subparagraph division (a), subparagraph subdivision (i), (ii),  
19 (iii), or (iv) shall be eligible to apply the ratemaking  
20 principles established by the order issued pursuant to  
21 paragraph "e". Facilities for which advanced ratemaking  
22 principles are obtained pursuant to this section shall not  
23 be subject to a subsequent board review pursuant to section  
24 476.6, subsection 20, to the extent that the investment has  
25 been considered by the board under this section. To the  
26 extent an eligible utility has been authorized to make capital  
27 investments subject to section 476.6, subsection 20, such  
28 investments shall not be eligible for ratemaking principles  
29 pursuant to this section.

30 Sec. 55. Section 602.3205, subsection 3, paragraph b, if  
31 enacted by 2015 Iowa Acts, Senate File 404, section 5, is  
32 amended to read as follows:

33 *b.* The audio recordings provided ~~in~~ to the board pursuant to  
34 this subsection shall be kept confidential by the board in a  
35 manner as provided in section 272C.6, subsection 4.

1     Sec. 56. Section 602.11113, Code 2015, as amended by 2015  
2 Iowa Acts, House File 536, section 177, is amended to read as  
3 follows:

4     **602.11113 Bailiffs employed as court attendants.**

5     Persons who were employed as bailiffs and who were  
6 performing services for the court, other than law enforcement  
7 services, immediately prior to July 1, 1983, shall be employed  
8 by the district court administrators as court attendants under  
9 section 602.6601 on July 1, 1983.

10    Sec. 57. Section 714.23, subsection 4A, paragraph a, if  
11 enacted by 2015 Iowa Acts, Senate File 501, section 2, or 2015  
12 Iowa Acts, House File 663, section 2, is amended to read as  
13 follows:

14    a. A student who does not receive a tuition refund up  
15 to the full refund of tuition charges due to the effect of  
16 an interstate reciprocity agreement under section 261G.4,  
17 subsection 1, may apply to the attorney general for a refund  
18 in a sum that represents the difference between any tuition  
19 refund received from the school and the full refund of tuition  
20 charges. For purposes of this subsection, "full refund of  
21 tuition charges" means the monetary sum of the refund for which  
22 the student would be eligible pursuant to the application of  
23 this section.

24    Sec. 58. Section 902.1, subsection 2, paragraph a,  
25 unnumbered paragraph 1, as enacted by 2015 Iowa Acts, Senate  
26 File 448, section 1, is amended to read as follows:

27    Notwithstanding subsection 1, a defendant convicted of  
28 murder in the first degree in violation of section 707.2, and  
29 who was under the age of eighteen at the time the offense was  
30 committed shall receive one of the following sentences:

31    Sec. 59. Section 916.1, subsection 1, as enacted by 2015  
32 Iowa Acts, House File 496, section 1, is amended to read as  
33 follows:

34    1. "*Confidential communication*" means confidential  
35 information shared between a victim and a military victim

1 advocate within the advocacy relationship, and includes all  
2 information received by the advocate and any advice, report,  
3 or working paper given to or prepared by the advocate in  
4 the course of the advocacy relationship with the victim.  
5 "*Confidential information*" is ~~confidential~~ information which, so  
6 far as the victim is aware, is not disclosed to a third party  
7 with the exception of a person present in the consultation for  
8 the purpose of furthering the interest of the victim, a person  
9 to whom disclosure is reasonably necessary for the transmission  
10 of the information, or a person with whom disclosure is  
11 necessary for accomplishment of the purpose for which the  
12 advocate is consulted by the victim.

13 Sec. 60. APPLICABILITY. The section of this division  
14 of this Act amending section 279.10, subsection 1, applies  
15 retroactively to April 10, 2015.

16 Sec. 61. APPLICABILITY. The section of this division of  
17 this Act amending section 902.1, subsection 2, paragraph "a",  
18 unnumbered paragraph 1, applies retroactively to the effective  
19 date of 2015 Iowa Acts, Senate File 448.

20 DIVISION V

21 REIMBURSEMENT OF DEFENSE COSTS

22 Sec. 62. NEW SECTION. **80F.2 Reimbursement of defense costs.**

23 1. If a peace officer, as defined in section 801.4, or a  
24 corrections officer is charged with the alleged commission  
25 of a public offense, based on acts or omissions within the  
26 scope of the officer's lawful duty or authority, and the charge  
27 is dismissed or the officer is acquitted of the charge, the  
28 presiding magistrate or judge shall enter judgment awarding  
29 reimbursement to the officer for any costs incurred in  
30 defending against the charge, including but not limited to a  
31 reasonable attorney fee, if the court finds the existence of  
32 any of the following grounds:

- 33 a. The charge was without probable cause.  
34 b. The charge was filed for malicious purposes.  
35 c. The charge was unwarranted in consideration of all of the

1 circumstances and matters of law attending the alleged offense.

2 2. The officer may apply for review of a failure or refusal  
3 to rule or an adverse ruling as to the existence of any of the  
4 above grounds. The application shall be to a district judge  
5 if the officer is seeking review of the act of a magistrate  
6 or district associate judge and the application shall be to a  
7 different district judge if review is sought of an act of a  
8 district judge.

9 Sec. 63. REPEAL. Section 80.37, Code 2015, is repealed.

10

DIVISION VI

11

RENEWABLE FUELS INFRASTRUCTURE PROGRAM

12

Sec. 64. Section 159A.14, subsection 1, paragraph a,  
13 subparagraph (1), Code 2015, is amended to read as follows:

14

(1) Ethanol infrastructure shall be designed and used  
15 exclusively to do any of the following:

16

(a) Store and dispense E-15 gasoline. At least for the  
17 period beginning on September 16 and ending on May 31 of each  
18 year, the ethanol infrastructure must be used to store and  
19 dispense E-15 gasoline as a registered fuel recognized by the  
20 United States environmental protection agency.

21

~~(a)~~ (b) Store and dispense E-85 gasoline.

22

~~(b)~~ (c) Store, blend, and dispense motor fuel from a motor  
23 fuel blender pump, ~~as required in this subparagraph division.~~

24

The ethanol infrastructure must ~~provide~~ be used for the storage  
25 of ethanol or ethanol blended gasoline, or for blending ethanol  
26 with gasoline. The ethanol infrastructure must at least  
27 include a motor fuel blender pump which dispenses different  
28 classifications of ethanol blended gasoline and allows E-85  
29 gasoline to be dispensed at all times that the blender pump is  
30 operating.

31

DIVISION VII

32

STATE EMPLOYEE RETIREMENT INCENTIVE PROGRAM

33

Sec. 65. 2015 STATE EMPLOYEE RETIREMENT INCENTIVE PROGRAM.

34

1. Definitions. As used in this section, unless the context  
35 provides otherwise:

1 a. "Eligible employee" means an employee or qualified  
2 employee who has filed a completed application for benefits  
3 with the Iowa public employees' retirement system created in  
4 chapter 97B in which the employee's or qualified employee's  
5 intended first month of entitlement, as defined in section  
6 97B.1A, is no later than the month following the date  
7 eligible employees shall be required to agree to separate  
8 from employment with the state as provided in subsection 2,  
9 paragraph "e".

10 b. (1) "Employee" means any of the following:

11 (a) An employee, as defined by section 97B.1A, who is  
12 employed within the executive branch of this state.

13 (b) An individual who was employed at the mental health  
14 institute at Clarinda, Iowa, or at the mental health institute  
15 at Mount Pleasant, Iowa, as of April 1, 2015, whose employment  
16 was terminated at either mental health institute after April  
17 1, 2015.

18 (2) "Employee" does not mean a qualified employee, an  
19 elected official, or an employee eligible for the sick leave  
20 conversion program as described in section 70A.23, subsection  
21 4.

22 c. "Employer" means a department, agency, board, or  
23 commission of the state that employs individuals.

24 d. "Health insurance contribution benefit" means the amount  
25 representing the monthly contribution cost of an affordable  
26 group health care plan offered by the state, as determined by  
27 the department of administrative services, providing coverage  
28 to the participant and, if applicable, the participant's spouse  
29 for the applicable period of coverage.

30 e. "Participant" means a person who timely submits an  
31 election to participate, is accepted to participate, and does  
32 participate, in the state employee retirement incentive program  
33 established under this section.

34 f. "Program" means the state employee retirement incentive  
35 program established under this section.

1 g. "Qualified employee" means an employee of a judicial  
2 district department of correctional services, an employee in  
3 the office of a statewide elected official, or an employee of  
4 the state board of regents if the board elects to participate  
5 in the program.

6 h. "Years of service incentive benefit" means an amount  
7 equal to, for eligible employees with at least ten years of  
8 state employment service, one thousand dollars for each year of  
9 state employment service up to a maximum of twenty-five years  
10 of state employment service. For purposes of this paragraph,  
11 "state employment service" means service, as defined in section  
12 97B.1A, for which the employer is the state.

13 2. Program eligibility. To become a participant in the  
14 program, an eligible employee shall do all of the following:

15 a. Submit by the eligible enrollment date, a written  
16 application, on forms prescribed by the department of  
17 administrative services, seeking participation in the program.  
18 For purposes of this paragraph, "eligible enrollment date"  
19 shall be the date, established by the department that is not a  
20 weekend or holiday, that is at least forty-five days after the  
21 effective date of this division of this Act.

22 b. Acknowledge in writing the eligible employee's  
23 agreement to voluntarily terminate employment in exchange  
24 for participation in the state employee retirement incentive  
25 program as provided in this section.

26 c. Agree to waive all rights to file suit against the state  
27 of Iowa, including all of its departments, agencies, and other  
28 subdivisions, based on state or federal claims arising out of  
29 the employment relationship.

30 d. Acknowledge, in writing, that participation in the  
31 program waives any right to accept any employment with the  
32 state other than as an elected official on or after the date  
33 the eligible employee separates from employment.

34 e. Agree to separate from employment with the state no  
35 later than thirty days after the eligible enrollment date as

1 established in this subsection.

2 3. Participant acceptance. An eligible employee shall be  
3 accepted into the program if the department of administrative  
4 services determines that the eligible employee meets the  
5 requirements to be eligible to participate in the program.

6 4. Program benefits. Upon acceptance to participate in the  
7 program and separation from employment with the state no later  
8 than the date as determined in subsection 2, paragraph "e", a  
9 participant shall receive the following benefits:

10 a. During November 2015, and each November thereafter for a  
11 total of five years, the state shall pay to the participant,  
12 or the participant's beneficiary, an amount equal to twenty  
13 percent of the years of service incentive benefit for that  
14 participant.

15 b. For the period of time commencing with the first month  
16 in which a participant is ineligible for or exhausts the  
17 participant's available remaining value of sick leave used  
18 to pay the state share for the participant's continuation of  
19 state group health insurance coverage as provided in section  
20 70A.23, subsection 3, and ending five years from the date  
21 the participant separates from employment with the state as  
22 provided in this section, the participant, or the participant's  
23 surviving spouse, shall be entitled to receive a health  
24 insurance contribution benefit to be used by the participant  
25 or the participant's beneficiary to pay the cost for eligible  
26 state group health insurance. The department of administrative  
27 services shall determine what health insurance plans constitute  
28 eligible state group health insurance for purposes of this  
29 paragraph "b".

30 5. Reemployment.

31 a. An employer shall not offer permanent part-time  
32 employment, permanent full-time employment, temporary  
33 employment, or retention as an independent contractor to a  
34 participant.

35 b. This section shall not preclude a participant from

1 membership on a board or commission.

2 6. Program administration and reporting.

3 a. The department of administrative services shall  
4 administer the program and shall adopt administrative rules  
5 to administer the program. The department of administrative  
6 services and the department of management may adopt rules on an  
7 emergency basis under section 17A.4, subsection 3, and section  
8 17A.5, subsection 2, paragraph "b", to implement this section  
9 and the rules shall be effective immediately upon filing unless  
10 a later date is specified in the rules.

11 b. Records of the Iowa public employees' retirement system  
12 shall be released for the purposes of administering and  
13 monitoring the program subject to the requirements of section  
14 97B.17, subsection 5.

15 c. The department of administrative services, in  
16 collaboration with the department of management, shall present  
17 an interim report to the general assembly, including copies to  
18 the legislative services agency and the fiscal committee of  
19 the legislative council, by December 1, 2015, concerning the  
20 operation of the program. The department shall also submit  
21 an annual update concerning the program by October 1 of each  
22 year for four years, commencing December 1, 2016. The reports  
23 shall include information concerning the number of program  
24 participants, the cost of the program including any payments  
25 made to participants, the number of state employment positions  
26 not filled pursuant to the program, and the number of positions  
27 vacated by a program participant that have been refilled with a  
28 comparison of the salary of the program participant at the time  
29 the position was vacated to the beginning salary of the person  
30 who refilled the position.

31 7. Legislative and judicial branch employees.

32 a. The legislative council may provide a retirement  
33 incentive program for employees of the legislative branch  
34 consistent with the program provided in this section for  
35 executive branch employees. If the legislative council

1 provides an incentive program, the legislative council shall  
2 collaborate with the department of administrative services to  
3 establish the program as required under this section as nearly  
4 as identical as possible to the program provided executive  
5 branch employees under this section. The program provided  
6 pursuant to this paragraph "a" shall establish the same time  
7 guidelines and benefit calculations as provided under the  
8 program for executive branch employees.

9     b. The supreme court may provide a retirement incentive  
10 program for employees of the judicial branch consistent with  
11 the program provided in this section for executive branch  
12 employees. If the supreme court provides an incentive program,  
13 the supreme court shall collaborate with the department of  
14 administrative services to establish the program as required  
15 under this section as nearly as identical as possible to the  
16 program provided executive branch employees under this section.  
17 The program provided pursuant to this paragraph "b" shall  
18 establish the same time guidelines and benefit calculations as  
19 provided under the program for executive branch employees.

20     Sec. 66. APPROPRIATIONS REDUCTION. The amounts  
21 appropriated from the general fund of the state to the  
22 departments and establishments of the executive branch, as  
23 defined in section 8.2, but not including appropriations to the  
24 state board of regents, for operational purposes in enactments  
25 made for the fiscal year beginning July 1, 2015, and ending  
26 June 30, 2016, are reduced by an amount up to \$16,130,000. For  
27 purposes of this section, "operational purposes" means salary,  
28 support, administrative expenses, or other personnel-related  
29 costs. The reductions in appropriations required pursuant  
30 to this section shall be realized through the implementation  
31 of this division of this Act. The reductions to operational  
32 appropriations required by this section shall be applied by the  
33 department of management.

34     Sec. 67. DEPARTMENT OF MANAGEMENT — STATE EMPLOYEE  
35 RETIREMENT INCENTIVE PROGRAM — APPROPRIATION.

1 1. There is appropriated from the general fund of the state  
2 to the department of management for the fiscal year beginning  
3 July 1, 2014, and ending June 30, 2015, the following amount,  
4 or so much thereof as is necessary, to be used for the purposes  
5 designated:

6 For reimbursing state agencies for costs associated with the  
7 state employee retirement incentive program:

8 ..... \$ 16,130,000

9 Moneys appropriated in this subsection shall be transferred  
10 by the department of management to state agencies to reimburse  
11 such agencies for payments required under the state employee  
12 retirement incentive program. If moneys appropriated under  
13 this subsection are insufficient to reimburse all such costs  
14 incurred by state agencies, the department of management shall  
15 transfer the moneys on a pro rata basis.

16 Notwithstanding section 8.33, moneys appropriated in this  
17 subsection that remain unencumbered or unobligated at the close  
18 of the fiscal year shall not revert but shall remain available  
19 for expenditure for the purposes designated until the close of  
20 the succeeding fiscal year.

21 2. It is the intent of the general assembly to fund  
22 reimbursements to state agencies for payments required under  
23 the state employee retirement incentive program in future years  
24 through appropriations made to the department of management.

25 Sec. 68. EFFECTIVE UPON ENACTMENT. This division of this  
26 Act, being deemed of immediate importance, takes effect upon  
27 enactment.

28 DIVISION VIII

29 SCHOOL AID — PERCENTS OF GROWTH

30 Sec. 69. Section 257.8, subsections 1 and 2, Code 2015, are  
31 amended to read as follows:

32 1. *State percent of growth.* ~~The state percent of growth~~  
33 ~~for the budget year beginning July 1, 2012, is two percent.~~  
34 The state percent of growth for the budget year beginning July  
35 1, 2013, is two percent. The state percent of growth for the

1 budget year beginning July 1, 2014, is four percent. The state  
 2 percent of growth for the budget year beginning July 1, 2015,  
 3 is two and five-eighths percent. The state percent of growth  
 4 for the budget year beginning July 1, 2016, is four percent.  
 5 The state percent of growth for each subsequent budget year  
 6 shall be established by statute which shall be enacted within  
 7 thirty days of the submission in the year preceding the  
 8 base year of the governor's budget under section 8.21. The  
 9 establishment of the state percent of growth for a budget year  
 10 shall be the only subject matter of the bill which enacts the  
 11 state percent of growth for a budget year.

12 2. *Categorical state percent of growth.* ~~The categorical~~  
 13 ~~state percent of growth for the budget year beginning July 1,~~  
 14 ~~2012, is two percent.~~ The categorical state percent of growth  
 15 for the budget year beginning July 1, 2013, is two percent.  
 16 The categorical state percent of growth for the budget year  
 17 beginning July 1, 2014, is four percent. The categorical  
 18 state percent of growth for the budget year beginning July  
 19 1, 2015, is two and five-eighths percent. The categorical  
 20 percent of growth for the budget year beginning July 1, 2016,  
 21 is four percent. The categorical state percent of growth for  
 22 each budget year shall be established by statute which shall  
 23 be enacted within thirty days of the submission in the year  
 24 preceding the base year of the governor's budget under section  
 25 8.21. The establishment of the categorical state percent of  
 26 growth for a budget year shall be the only subject matter of  
 27 the bill which enacts the categorical state percent of growth  
 28 for a budget year. The categorical state percent of growth  
 29 may include state percents of growth for the teacher salary  
 30 supplement, the professional development supplement, the early  
 31 intervention supplement, and the teacher leadership supplement.

32 Sec. 70. CODE SECTION 257.8 — IMPLEMENTATION. The  
 33 requirements of section 257.8, subsections 1 and 2, regarding  
 34 the enactment of bills establishing the regular program state  
 35 percent of growth and the categorical state percent of growth

1 within thirty days of the submission in the year preceding  
2 the base year of the governor's budget and the subject matter  
3 limitation of bills establishing the state percent of growth  
4 and the categorical state percent of growth do not apply to  
5 this division of this Act.

6 Sec. 71. EFFECTIVE UPON ENACTMENT. This division of this  
7 Act, being deemed of immediate importance, takes effect upon  
8 enactment.

9 DIVISION IX

10 APPORTIONMENT OF TRANSPORTATION FUNDS — APPROPRIATION

11 Sec. 72. STREET CONSTRUCTION FUND — APPROPRIATION.

12 1. In a written application to the treasurer of state  
13 submitted by October 1, 2015, a city may request an  
14 additional distribution of moneys to be credited to the street  
15 construction fund of the city equal to that additional amount,  
16 calculated by the treasurer, that the city would have received  
17 if the funds were apportioned based upon the population of the  
18 city as determined by section 312.3, subsection 2, paragraph  
19 "d", for the months prior to the effective date of this  
20 division of this Act.

21 2. Upon determination by the treasurer of state that an  
22 additional amount should be credited to a city as provided by  
23 this section, there is appropriated from the general fund of  
24 the state to the department of transportation, for the fiscal  
25 year beginning July 1, 2015, and ending June 30, 2016, an  
26 amount sufficient to pay the additional amount which shall be  
27 distributed to the city for deposit in the street construction  
28 fund of the city.

29 Sec. 73. EFFECTIVE UPON ENACTMENT. This division of this  
30 Act, being deemed of immediate importance, takes effect upon  
31 enactment.

32 Sec. 74. RETROACTIVE APPLICABILITY. This division of this  
33 Act applies retroactively to March 2011.

34 DIVISION X

35 DRUG OVERDOSE PREVENTION

1     Sec. 75. Section 85.27, Code 2015, is amended by adding the  
2 following new subsection:

3     NEW SUBSECTION. 1A. If an employee receives care pursuant  
4 to subsection 1 and the treating physician or other health care  
5 professional reasonably believes, based on such physician's or  
6 other health care professional's professional judgment, that  
7 the employee is at risk of an opioid-related overdose due to  
8 the work-related injury or the treatment of the work-related  
9 injury, the cost of an opioid antagonist shall be paid by the  
10 employer or the employer's insurance carrier. For purposes  
11 of this subsection, "*opioid antagonist*" and "*opioid-related*  
12 *overdose*" mean the same as defined in section 124.418.

13     Sec. 76. NEW SECTION. **124.417 Persons seeking medical**  
14 **assistance for drug-related overdose.**

15     1. As used in this section, unless the context otherwise  
16 requires:

17     *a.* "*Drug-related overdose*" means a condition of a person for  
18 which each of the following is true:

19         (1) The person is in need of medical assistance.

20         (2) The person displays symptoms including but not limited  
21 to extreme physical illness, pinpoint pupils, decreased level  
22 of consciousness including coma, or respiratory depression.

23         (3) The person's condition is the result of, or a prudent  
24 layperson would reasonably believe such condition to be the  
25 result of, the consumption or use of a controlled substance.

26     *b.* "*Overdose patient*" means a person who is, or would  
27 reasonably be perceived to be, suffering a drug-related  
28 overdose.

29     *c.* "*Overdose reporter*" means a person who seeks medical  
30 assistance for an overdose patient.

31     *d.* "*Protected information*" means information or evidence  
32 collected or derived as a result of any of the following:

33         (1) An overdose patient's good-faith actions to seek  
34 medical assistance while experiencing a drug-related overdose.

35         (2) An overdose reporter's good-faith actions to seek

1 medical assistance for an overdose patient experiencing a  
2 drug-related overdose if all of the following are true:

3 (a) The overdose patient is in need of medical assistance  
4 for an immediate health or safety concern.

5 (b) The overdose reporter is the first person to seek  
6 medical assistance for the overdose patient.

7 (c) The overdose reporter provides the overdose reporter's  
8 name and contact information to medical or law enforcement  
9 personnel.

10 (d) The overdose reporter remains on the scene until  
11 assistance arrives or is provided.

12 (e) The overdose reporter cooperates with law enforcement  
13 and medical personnel.

14 2. Protected information shall not be considered to support  
15 probable cause and shall not be admissible as evidence against  
16 an overdose patient or overdose reporter for any of the  
17 following offenses:

18 a. Violation of section 124.401, subsection 1.

19 b. Possession of a controlled substance under section  
20 124.401, subsection 5.

21 c. Violation of section 124.407.

22 d. Violation of section 124.414.

23 3. A person's pretrial release, probation, supervised  
24 release, or parole shall not be revoked based on protected  
25 information.

26 4. Notwithstanding any other provision of law to the  
27 contrary, the act of providing first aid or other medical  
28 assistance to someone who is experiencing a drug-related  
29 overdose may be considered by a court as a mitigating factor in  
30 a criminal prosecution.

31 5. This section shall not be construed to limit the use or  
32 admissibility of any evidence in a criminal case other than as  
33 provided in subsection 2.

34 Sec. 77. NEW SECTION. 124.418 Possession of an opioid  
35 antagonist.

1 1. For purposes of this section:

2 a. "*Health care professional*" means a physician and surgeon  
3 or osteopathic physician and surgeon licensed under chapter  
4 148, physician assistant licensed under chapter 148C, advanced  
5 registered nurse practitioner licensed under chapter 152 or  
6 152E, or pharmacist licensed under chapter 155A.

7 b. "*Opioid antagonist*" means a drug that binds to opioid  
8 receptors and blocks or inhibits the effects of opioids acting  
9 on those receptors, including but not limited to naloxone  
10 hydrochloride or any other similarly acting drug approved by  
11 the United States food and drug administration.

12 c. "*Opioid-related overdose*" means a condition of a person  
13 for which each of the following is true:

14 (1) The person requires medical assistance.

15 (2) The person displays symptoms including but not limited  
16 to extreme physical illness, pinpoint pupils, decreased level  
17 of consciousness including coma, or respiratory depression.

18 (3) The person's condition is the result of, or a prudent  
19 layperson would reasonably believe the person's condition to  
20 be the result of, consumption or use of an opioid or another  
21 substance with which an opioid was combined.

22 2. Notwithstanding the provisions of this chapter or any  
23 other law, a person may possess an opioid antagonist if each of  
24 the following is true:

25 a. The opioid antagonist is prescribed, dispensed,  
26 furnished, distributed, or otherwise provided by a health  
27 care professional otherwise authorized to prescribe an opioid  
28 antagonist, either directly, by standing order, or through a  
29 collaborative agreement.

30 b. The person is a family member or friend of, or  
31 other person in a position to assist, a person at risk of  
32 experiencing an opioid-related overdose.

33 Sec. 78. NEW SECTION. 135.181 **Standards and reports on**  
34 **opioid antagonist use.**

35 1. For purposes of this section:

1     *a. "Emergency medical services"* means the same as defined  
2 in section 147A.1.

3     *b. "First responder"* means emergency medical personnel,  
4 state and local law enforcement personnel, or fire department  
5 personnel who provide emergency medical services.

6     *c. "Health care professional"* means a physician and surgeon  
7 or osteopathic physician and surgeon licensed under chapter  
8 148, physician assistant licensed under chapter 148C, advanced  
9 registered nurse practitioner licensed under chapter 152 or  
10 152E, or pharmacist licensed under chapter 155A.

11     *d. "Opioid antagonist"* means the same as defined in section  
12 124.418.

13     2. The department shall develop standards for recordkeeping  
14 and reporting of opioid antagonist use by first responders in  
15 this state, and shall provide an annual report to the general  
16 assembly with recommendations regarding the use of opioid  
17 antagonists in this state.

18     3. The department shall consult with health care  
19 professional organizations, organizations representing first  
20 responders, and other groups as determined by the department  
21 to develop protocols and instructions for the administration  
22 of an opioid antagonist by a person who is not a health care  
23 professional or a first responder. The department shall make  
24 the protocols and instructions developed pursuant to this  
25 subsection publicly available on the department's internet  
26 site.

27     Sec. 79. Section 147.107, Code 2015, is amended by adding  
28 the following new subsection:

29     NEW SUBSECTION. 5A. *a.* For purposes of this subsection:

30     (1) *"Opioid antagonist"* means the same as defined in section  
31 124.418.

32     (2) *"Opioid-related overdose"* means the same as defined in  
33 section 124.418.

34     *b.* Notwithstanding subsection 1 or any other provision  
35 of law, a health care professional otherwise authorized to

1 prescribe an opioid antagonist may directly, by standing order,  
2 or through collaborative agreement, prescribe, dispense,  
3 furnish, or otherwise provide an opioid antagonist to a person  
4 at risk of experiencing an opioid-related overdose or to a  
5 family member or friend of, or other person whom the health  
6 care professional believes to be in a position to assist, a  
7 person at risk of experiencing an opioid-related overdose.  
8 Any such prescription shall be deemed as being issued for a  
9 legitimate medical purpose in the usual course of professional  
10 practice.

11 c. A health care professional who prescribes an opioid  
12 antagonist shall document the reasons for the prescription or  
13 standing order.

14 d. A pharmacist who dispenses, furnishes, or otherwise  
15 provides an opioid antagonist pursuant to a valid prescription,  
16 standing order, or collaborative agreement shall provide  
17 instruction to the recipient in accordance with the protocols  
18 and instructions developed by the department of public health  
19 under section 135.181.

20 e. A health care professional who is licensed to prescribe  
21 an opioid antagonist shall not be subject to any disciplinary  
22 action or civil or criminal liability for prescribing an opioid  
23 antagonist to a person whom the health care professional  
24 reasonably believes may be in a position to assist or  
25 administer the opioid antagonist to a person at risk of an  
26 opioid-related overdose.

27 Sec. 80. Section 147A.10, Code 2015, is amended by adding  
28 the following new subsection:

29 NEW SUBSECTION. 4. a. For purposes of this subsection:

30 (1) "*Opioid antagonist*" means the same as defined in section  
31 124.418.

32 (2) "*Opioid-related overdose*" means the same as defined in  
33 section 124.418.

34 b. An emergency medical care provider or a law enforcement  
35 officer who has been trained in the administration of an opioid

1 antagonist and acts with reasonable care in administering an  
2 opioid antagonist to another person who the emergency medical  
3 care provider or law enforcement officer believes in good faith  
4 to be suffering an opioid-related overdose shall not be subject  
5 to civil liability, disciplinary action, or a civil or criminal  
6 penalty for an act or omission related to or resulting from the  
7 administration.

8 Sec. 81. NEW SECTION. 155A.45 Administration of an opioid  
9 antagonist.

10 1. For purposes of this section:

11 a. "*Opioid antagonist*" means the same as defined in section  
12 124.418.

13 b. "*Opioid-related overdose*" means the same as defined in  
14 section 124.418.

15 2. A person who is not otherwise licensed by an appropriate  
16 state board to prescribe, dispense, or administer opioid  
17 antagonists to patients may, in an emergency, administer an  
18 opioid antagonist to another person if the person believes in  
19 good faith that the other person is suffering an opioid-related  
20 overdose, and the person shall not be subject to civil  
21 liability, disciplinary action, or a civil or criminal penalty  
22 for an act or omission related to or resulting from the  
23 administration of an opioid antagonist.

24 Sec. 82. Section 249A.20A, Code 2015, is amended by adding  
25 the following new subsection:

26 NEW SUBSECTION. 12. a. For purposes of this subsection,  
27 "*opioid antagonist*" means the same as defined in section  
28 124.418.

29 b. Notwithstanding anything in this section to the contrary,  
30 the department shall include an opioid antagonist as preferred  
31 on the preferred drug list and provide for reimbursement of any  
32 device integral to its administration. Reimbursement under the  
33 medical assistance program shall be provided through existing  
34 resources.

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DIVISION XI

COUNTY COURTHOUSES

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Sec. 83. Section 602.6105, subsection 2, Code 2015, is amended to read as follows:

2. In any county having two county seats, court shall be held at each, ~~and, in the county of Pottawattamie, court shall be held at Avoca, as well as at the county seat.~~

Sec. 84. REPEAL. 1884 Iowa Acts, chapter 198, is repealed.

DIVISION XII

REFUGEE FAMILY SUPPORT SERVICES

Sec. 85. REFUGEE FAMILY SUPPORT SERVICES PILOT PROGRAM.

1. The bureau of refugee services within the department of human services shall establish, promote, and administer a refugee family support services pilot program for purposes of providing a grant to a state, local, or community organization working with refugee populations to contract with and train multiple refugees to act as refugee community navigators.

2. An organization awarded a grant pursuant to this section shall recruit and train multiple refugee community navigators to educate and provide direct assistance to their respective refugee communities so the refugee communities can successfully access and utilize existing community resources and services.

3. The refugee community navigators shall train other refugee community members and shall offer home-based, peer-group learning sessions about resources in the community.

4. A grant awarded pursuant to this section shall be used for employment costs of a program manager and community navigator coordinator, and contract and stipend costs for multiple refugee community navigators for each organization.

5. The bureau of refugee services shall award one grant to a state, local, or community organization through a competitive application process. The bureau shall provide moneys over a three-year period to an organization awarded a grant.

6. A state, local, or community organization awarded a grant pursuant to this section shall provide the bureau with annual progress reports. The bureau of refugee services shall present

1 a report of the program goals and outcomes to the general  
2 assembly.

3 7. The bureau of refugee services shall conduct a  
4 comprehensive review of the refugee family support services  
5 pilot program and shall, by December 31, 2017, submit a  
6 report of its review, as well as any recommendations and cost  
7 projections of its recommendations to the governor and the  
8 general assembly.

9 8. The bureau of refugee services may expend program moneys  
10 for administrative expenses as provided by law.

11 Sec. 86. REFUGEE FAMILY SUPPORT SERVICES PILOT PROGRAM  
12 APPROPRIATION. There is appropriated from the general fund of  
13 the state to the department of human services for the fiscal  
14 year beginning July 1, 2014, and ending June 30, 2015, the  
15 following amount, or so much thereof as is necessary, to be  
16 used for the purposes designated:

17 For a pilot project pursuant to the refugee family support  
18 services pilot project program created in this division of this  
19 Act in a county with a population over 350,000 as determined by  
20 the 2010 federal decennial census:

21 ..... \$ 750,000

22 Of the moneys appropriated for each fiscal year, \$10,000 may  
23 be used for bureau of refugee services' administration costs  
24 for establishing, promoting, and administering the program.

25 Notwithstanding section 8.33, moneys appropriated in this  
26 section that remain unencumbered or unobligated at the close of  
27 the fiscal year shall not revert but shall remain available for  
28 expenditure for the purposes designated until the close of the  
29 succeeding fiscal year.

30 Sec. 87. EFFECTIVE UPON ENACTMENT. This division of this  
31 Act, being deemed of immediate importance, takes effect upon  
32 enactment.

33 DIVISION XIII

34 DEPARTMENT OF MANAGEMENT — DUTIES

35 Sec. 88. Section 8.6, subsections 12 and 13, Code 2015, are

1 amended by striking the subsections.

2 Sec. 89. Section 8A.111, Code 2015, is amended by adding the  
3 following new subsection:

4 NEW SUBSECTION. 11. An annual report on the administration  
5 and promotion of equal opportunity in state contracts and  
6 services under section 19B.7.

7 Sec. 90. Section 19B.6, Code 2015, is amended to read as  
8 follows:

9 **19B.6 Responsibilities of department of administrative  
10 services and ~~department of management~~ — affirmative action.**

11 The department of administrative services shall oversee the  
12 implementation of sections 19B.1 through 19B.5 and shall work  
13 with the governor to ensure compliance with those sections,  
14 including the attainment of affirmative action goals and  
15 timetables, by all state agencies, excluding the state board  
16 of regents and its institutions. ~~The department of management  
17 shall oversee the implementation of sections 19B.1 through  
18 19B.5 and shall work with the governor to ensure compliance  
19 with those sections, including the attainment of affirmative  
20 action goals and timetables, by the state board of regents and  
21 its institutions.~~

22 Sec. 91. Section 19B.7, subsection 1, unnumbered paragraph  
23 1, Code 2015, is amended to read as follows:

24 Except as otherwise provided in subsection 2, the department  
25 of ~~management~~ administrative services is responsible for the  
26 administration and promotion of equal opportunity in all state  
27 contracts and services and the prohibition of discriminatory  
28 and unfair practices within any program receiving or benefiting  
29 from state financial assistance in whole or in part. In  
30 carrying out these responsibilities the department of  
31 ~~management~~ administrative services shall:

32 Sec. 92. Section 19B.8, Code 2015, is amended to read as  
33 follows:

34 **19B.8 Sanctions.**

35 The department of ~~management~~ administrative services may

1 impose appropriate sanctions on individual state agencies,  
2 including the state board of regents and its institutions, and  
3 upon a community college, area education agency, or school  
4 district, in order to ensure compliance with state programs  
5 emphasizing equal opportunity through affirmative action,  
6 contract compliance policies, and requirements for procurement  
7 goals for targeted small businesses.

8 DIVISION XIV

9 CLAIMS AGAINST THE STATE AND BY THE STATE

10 Sec. 93. Section 8.55, subsection 3, paragraph a, Code 2015,  
11 is amended to read as follows:

12 a. Except as provided in paragraphs "b", "c", and "d", and  
13 "0e", the moneys in the Iowa economic emergency fund shall  
14 only be used pursuant to an appropriation made by the general  
15 assembly. An appropriation shall only be made for the fiscal  
16 year in which the appropriation is made. The moneys shall  
17 only be appropriated by the general assembly for emergency  
18 expenditures.

19 Sec. 94. Section 8.55, subsection 3, Code 2015, is amended  
20 by adding the following new paragraph:

21 NEW PARAGRAPH. 0e. There is appropriated from the Iowa  
22 economic emergency fund to the state appeal board an amount  
23 sufficient to pay claims authorized by the state appeal board  
24 as provided in section 25.2.

25 Sec. 95. Section 25.2, subsection 4, Code 2015, is amended  
26 to read as follows:

27 4. Payments authorized by the state appeal board shall be  
28 paid from the appropriation or fund of original certification  
29 of the claim. However, if that appropriation or fund has since  
30 reverted under section 8.33, then such payment authorized by  
31 the state appeal board shall be ~~out of any money in the state~~  
32 ~~treasury not otherwise appropriated~~ as follows:

33 a. From the appropriation made from the Iowa economic  
34 emergency fund in section 8.55 for purposes of paying such  
35 expenses.

1 b. To the extent the appropriation from the Iowa economic  
2 emergency fund described in paragraph "a" is insufficient to  
3 pay such expenses, there is appropriated from moneys in the  
4 general fund of the state not otherwise appropriated the amount  
5 necessary to fund the deficiency.

6 DIVISION XV

7 STATE GEOLOGICAL SURVEY

8 Sec. 96. Section 456.1, Code 2015, is amended by striking  
9 the section and inserting in lieu thereof the following:

10 **456.1 Geological survey created.**

11 A geological survey of the state is created within the  
12 university of Iowa.

13 Sec. 97. Section 456.2, Code 2015, is amended to read as  
14 follows:

15 **456.2 State geologist — qualifications.**

16 The ~~director~~ board of regents shall appoint the state  
17 geologist. The state geologist must, at a minimum, have  
18 a masters degree in geology from an accredited college or  
19 university and must have at least five years of geological  
20 experience. ~~The annual salary of the state geologist shall be~~  
21 ~~determined by the director.~~

22 Sec. 98. Section 456.4, Code 2015, is amended to read as  
23 follows:

24 **456.4 Investigations — collection — renting space.**

25 The state geologist shall investigate the characters of the  
26 various soils and their capacities for agricultural purposes,  
27 the streams, and other scientific and natural resource matters  
28 that may be of practical importance and interest. ~~For the~~  
29 ~~purpose of preserving well drilling samples, rock cores,~~  
30 ~~fossils, and other materials as may be necessary to carry on~~  
31 ~~investigations, the state geologist shall have the authority~~  
32 ~~to lease or rent sufficient space for storage of these~~  
33 ~~materials with the approval of the director of the department~~  
34 ~~of administrative services. A complete cabinet collection may~~  
35 shall be made to illustrate the natural products of the state,

1 and the state geologist may also furnish suites of materials,  
2 rocks, and fossils for colleges and public museums within the  
3 state, if it can be done without impairing the general state  
4 collection.

5 Sec. 99. Section 456.7, Code 2015, is amended to read as  
6 follows:

7 **456.7 Annual report.**

8 The state geologist shall, annually, at the time provided  
9 by law, make to the governor and the general assembly a full  
10 report of the work in the preceding year, which report shall  
11 be accompanied by such other reports and papers as may be  
12 considered desirable for publication.

13 Sec. 100. Section 456.10, Code 2015, is amended to read as  
14 follows:

15 **456.10 Distribution and sale of reports.**

16 All publications of the geological survey shall be  
17 ~~distributed by the state as are other published reports of~~  
18 ~~state officers when no special provision is made. When such~~  
19 ~~distribution has been made the state geologist shall retain~~  
20 ~~a sufficient number of copies to supply probable future~~  
21 ~~demands and any copies in excess of such number shall be sold~~  
22 ~~to persons making application therefor at the cost price of~~  
23 ~~publication, the money thus accruing to be turned into the~~  
24 ~~treasury of the state~~ made available electronically via an  
25 internet site maintained by the university of Iowa.

26 Sec. 101. ADMINISTRATIVE RULES — TRANSITION PROVISIONS.

27 1. Any rule, regulation, form, order, or directive  
28 promulgated by the department of natural resources as required  
29 to administer and enforce the provisions of chapter 456 shall  
30 continue in full force and effect until amended, repealed, or  
31 supplemented by affirmative action of the state geological  
32 survey.

33 2. An administrative hearing or court proceeding arising  
34 out of an enforcement action under section 455B.109 pending  
35 on the effective date of this division of this Act shall not

1 be affected due to this division of this Act. Any cause of  
2 action or statute of limitation relating to an action taken by  
3 the department of natural resources shall not be affected as a  
4 result of this division of this Act and such cause or statute  
5 of limitation shall apply to the state geological survey.

6 3. Any personnel in the state merit system of employment who  
7 are mandatorily transferred due to the effect of this division  
8 of this Act shall be so transferred without any loss in salary,  
9 benefits, or accrued years of service.

10 4. Any replacement of signs, logos, stationery, insignia,  
11 uniforms, and related items that is made necessary due to the  
12 effect of this division of this Act shall be done as part of the  
13 normal replacement cycle for such items.

14 Sec. 102. ENVIRONMENT FIRST FUND — FY 2015-2016.

15 1. There is appropriated from the environment first fund  
16 created in section 8.57A to the university of Iowa for the  
17 fiscal year beginning July 1, 2015, and ending June 30, 2016,  
18 the following amount, or so much thereof as is necessary, to be  
19 used for the purposes designated:

20 For the state geological survey, including salaries,  
21 support, maintenance, and miscellaneous purposes:  
22 ..... \$ 695,000

23 2. Moneys appropriated to the department of natural  
24 resources in 2015 Iowa Acts, Senate File 494, if enacted,  
25 for the fiscal year beginning July 1, 2015, for purposes of  
26 regulating water quantity from surface and subsurface sources  
27 are reduced by \$495,000.

28 3. Moneys appropriated to the department of natural  
29 resources in 2015 Iowa Acts, Senate File 494, if enacted,  
30 for the fiscal year beginning July 1, 2015, for purposes of  
31 continuing the operations of the department's geological and  
32 water survey are reduced by \$200,000.

33 Sec. 103. ENVIRONMENT FIRST FUND — FY 2016-2017.

34 1. There is appropriated from the environment first fund  
35 created in section 8.57A to the university of Iowa for the

1 fiscal year beginning July 1, 2016, and ending June 30, 2017,  
2 the following amount, or so much thereof as is necessary, to be  
3 used for the purposes designated:

4 For the state geological survey, including salaries,  
5 support, maintenance, and miscellaneous purposes:  
6 ..... \$ 347,500

7 2. Moneys appropriated to the department of natural  
8 resources in 2015 Iowa Acts, Senate File 494, if enacted,  
9 for the fiscal year beginning July 1, 2016, for purposes of  
10 regulating water quantity from surface and subsurface sources  
11 are reduced by \$247,500.

12 3. Moneys appropriated to the department of natural  
13 resources in 2015 Iowa Acts, Senate File 494, if enacted,  
14 for the fiscal year beginning July 1, 2016, for purposes of  
15 continuing the operations of the department's geological and  
16 water survey are reduced by \$100,000.

17 Sec. 104. GENERAL FUND — FY 2015-2016.

18 1. There is appropriated from the general fund of the state  
19 to the university of Iowa for the fiscal year beginning July  
20 1, 2015, and ending June 30, 2016, the following amount, or  
21 so much thereof as is necessary, to be used for the purposes  
22 designated:

23 For the state geological survey, including salaries,  
24 support, maintenance, and miscellaneous purposes:  
25 ..... \$ 132,000

26 2. Moneys appropriated to the department of natural  
27 resources in 2015 Iowa Acts, Senate File 494, if enacted,  
28 for the fiscal year beginning July 1, 2015, for purposes  
29 of supporting the department, including its divisions, for  
30 administration, regulation, and programs are reduced by  
31 \$132,000.

32 Sec. 105. GENERAL FUND — FY 2016-2017.

33 1. There is appropriated from the general fund of the state  
34 to the university of Iowa for the fiscal year beginning July  
35 1, 2016, and ending June 30, 2017, the following amount, or

1 so much thereof as is necessary, to be used for the purposes  
2 designated:

3 For the state geological survey, including salaries,  
4 support, maintenance, and miscellaneous purposes:

5 ..... \$ 66,000

6 2. Moneys appropriated to the department of natural  
7 resources in 2015 Iowa Acts, Senate File 494, if enacted,  
8 for the fiscal year beginning July 1, 2016, for purposes  
9 of supporting the department, including its divisions, for  
10 administration, regulation, and programs are reduced by  
11 \$66,000.

12 Sec. 106. REBUILD IOWA INFRASTRUCTURE FUND. There is  
13 appropriated from the rebuild Iowa infrastructure fund to  
14 the university of Iowa for the fiscal year beginning July 1,  
15 2015, and ending June 30, 2016, the following amount, or so  
16 much thereof as is necessary, to be used for the purposes  
17 designated:

18 For the state geological survey, including salaries,  
19 support, maintenance, and miscellaneous purposes,  
20 notwithstanding section 8.57, subsection 5, paragraph "c":

21 ..... \$ 300,000

22 DIVISION XVI

23 REVIVAL OF USE RESTRICTIONS

24 Sec. 107. NEW SECTION. 564B.1 Definitions.

25 As used in this chapter, unless the context otherwise  
26 requires:

27 1. "Bylaws" means the instruments, however denominated,  
28 that contain the procedures for conducting the affairs of the  
29 homeowners' association or the executive board regardless of  
30 the form in which the homeowners' association is organized,  
31 including any amendments to such instruments.

32 2. a. "Common interest community" means real estate  
33 described in a declaration with respect to which a person, by  
34 virtue of the person's ownership of a parcel, is obligated  
35 to pay for a share of real estate taxes, insurance premiums,

1 maintenance, or improvement of, or services or other expenses  
2 related to, common elements, other parcels, or other real  
3 estate described in the declaration. "Common interest  
4 community" includes a cooperative under chapter 499A and a  
5 horizontal property regime under chapter 499B.

6     *b.* "*Common interest community*" does not include a covenant  
7 that requires the owners of separate parcels of real estate to  
8 share costs or other obligations related to a wall, driveway,  
9 well, or other similar structure, unless all such owners  
10 consent in writing to the creation of a common interest  
11 community.

12     3. "*Declaration*" means a recorded written instrument in the  
13 nature of covenants running with the land that subject the land  
14 comprising the common interest community to the jurisdiction  
15 and control of a homeowners' association in which the owners of  
16 the parcels are required to be members.

17     4. "*Executive board*" means the body, regardless of name,  
18 designated in the declaration, formation document, or bylaws to  
19 act on behalf of the homeowners' association.

20     5. "*Formation document*" means the document filed with the  
21 secretary of state that creates a business entity, including  
22 but not limited to articles of incorporation, articles of  
23 organization, and a certificate of organization.

24     6. "*Homeowners' association*" means an entity responsible  
25 for the operation of a common interest community in which the  
26 voting membership is made up of parcel owners and in which  
27 membership is a mandatory condition of parcel ownership, and  
28 which is authorized to impose assessments that, if unpaid, may  
29 become a lien on the parcel.

30     7. "*Parcel*" means a physical portion of the common interest  
31 community designated for separate ownership or occupancy or  
32 as otherwise defined in the statute under which the common  
33 interest community is organized.

34     8. "*Parcel owner*" means the record owner of legal title to  
35 a parcel or, if the parcel is subject to a contract for deed,

1 the vendee of the real estate contract. "Parcel owner" does  
2 not include a person having an interest in a parcel solely as  
3 security for an obligation.

4 9. "Use restrictions" means the same as defined in section  
5 614.24, subsection 5.

6 Sec. 108. NEW SECTION. **564B.2 Revival of use restrictions.**

7 Parcel owners in a common interest community may revive use  
8 restrictions that have become unenforceable by operation of  
9 section 614.24 if all of the following requirements are met:

10 1. All parcels which will be subject to the revived use  
11 restrictions were previously subject to the use restrictions.

12 2. The affected parcel owners approve the revived use  
13 restrictions in the manner provided in this chapter.

14 Sec. 109. NEW SECTION. **564B.3 Procedure to revive use  
15 restrictions.**

16 1. The proposal to revive use restrictions may contain  
17 less than all of the use restrictions which have become  
18 unenforceable by operation of section 614.24, but shall not  
19 modify any use restriction sought to be revived.

20 2. The proposal to revive use restrictions in a declaration  
21 under the terms of this chapter may be initiated by either of  
22 the following:

23 a. The executive board.

24 b. The parcel owners, if a petition is signed by parcel  
25 owners who own at least ten percent of the parcels. Such  
26 petition shall include the language of the use restrictions  
27 proposed to be revived.

28 3. If a proposal is initiated under subsection 2, the  
29 executive board shall prepare or cause to be prepared the  
30 complete text of the proposed use restrictions to be submitted  
31 to the affected parcel owners for approval.

32 4. a. The executive board shall present or cause to be  
33 presented to all of the affected parcel owners, by mail or hand  
34 delivery, all of the following:

35 (1) A notice containing either the place, date, and time of

1 the meeting at which the revival of the use restrictions will  
2 be considered and voted upon or instructions for an action by  
3 written ballot, including the last date that a written ballot  
4 will be accepted.

5 (2) A copy of the complete text of the use restrictions  
6 proposed to be revived.

7 (3) The existing declaration, formation document, and  
8 bylaws of the homeowners' association.

9 (4) A graphic depiction of the property and the parcels to  
10 be governed by the revived use restrictions.

11 (5) A statement that the use restrictions will be revived  
12 if parcel owners who own a majority of the affected parcels  
13 approve revival.

14 b. The parcel owners entitled to receive notice and the  
15 materials described in paragraph "a" are the owners of affected  
16 parcels as of the close of business on the business day  
17 preceding the day on which notice is given.

18 5. The use restrictions shall be revived if the owners of  
19 a majority of the affected parcels approve the revived use  
20 restrictions by a vote at a meeting of the affected parcel  
21 owners conducted in the manner described in section 564B.4 or  
22 in an action by written ballot as described in section 564B.5.

23 Sec. 110. NEW SECTION. **564B.4 Meetings to revive use**  
24 **restrictions.**

25 1. A vote to revive use restrictions shall not be held  
26 unless the parcel owners described in section 564B.3,  
27 subsection 4, paragraph "b", received the notice and documents  
28 specified in section 564B.3, subsection 4, not less than  
29 fourteen days or more than sixty days before such a vote.

30 2. A quorum shall be met if parcel owners who own a majority  
31 of the affected parcels are present at the meeting, either in  
32 person or by proxy.

33 3. The parcel owners entitled to vote at the meeting are the  
34 owners of affected parcels as of the date of the meeting.

35 4. At the meeting, there shall be one vote per parcel,

1 regardless of the number of parcel owners who own such parcel.

2 5. a. The parcel owners have the right to vote in person  
3 or by proxy.

4 b. To be valid, a proxy must be dated, shall state the date,  
5 time, and place of the meeting for which the proxy was given,  
6 and shall be signed by the parcel owner. If a parcel is owned  
7 by more than one person, each owner of the parcel shall sign  
8 the proxy for such proxy to be valid.

9 c. A proxy is effective only for the specific meeting for  
10 which the proxy was originally given.

11 d. A proxy is revocable at any time at the discretion of a  
12 parcel owner who executed the proxy.

13 e. If the proxy form expressly so provides, any proxy holder  
14 may appoint, in writing, a substitute to act in the proxy  
15 holder's place.

16 Sec. 111. NEW SECTION. 564B.5 Action by written ballot.

17 1. A vote to revive use restrictions may be taken without a  
18 meeting if the executive board delivers a written ballot with  
19 the notice and other documents required to be delivered under  
20 section 564B.3, subsection 4, to the owners of every affected  
21 parcel.

22 2. A written ballot shall set forth the use restrictions  
23 proposed to be revived and provide an opportunity to vote for  
24 or against revival.

25 3. One written ballot shall be provided for each parcel,  
26 regardless of the number of parcel owners who own such parcel.

27 4. The use restrictions shall be revived if the parcel  
28 owners of a majority of the affected parcels approve the  
29 revived use restrictions by written ballot.

30 5. The deadline for the written ballot to be received to  
31 be counted shall be at least fourteen days, but not more than  
32 sixty days, after the written ballot was delivered.

33 6. A written ballot that has been cast shall not be revoked.

34 Sec. 112. NEW SECTION. 564B.6 Recording and notice of  
35 recording.

1 1. No later than thirty days after the parcel owners have  
2 approved the revival of the use restrictions, the executive  
3 board shall file the revived use restrictions with the recorder  
4 of each county in which the land comprising the common interest  
5 community is located.

6 2. Immediately after recording the revived use  
7 restrictions, the executive board shall mail or deliver, or  
8 shall cause to be mailed or delivered, a complete copy of the  
9 revived use restrictions to each parcel owner.

10 Sec. 113. NEW SECTION. 564B.7 Effect of revived use  
11 restrictions.

12 1. The revived use restrictions shall be effective upon  
13 recordation with respect to each affected parcel, regardless  
14 of whether an owner of an affected parcel approved the revived  
15 use restrictions.

16 2. The revived use restrictions shall not be given  
17 retroactive effect with respect to any affected parcel.

18 3. A use restriction revived under this chapter shall not be  
19 enforced against a parcel if each of the following are true:

20 a. A parcel owner made a good-faith investment that would be  
21 impaired by such enforcement.

22 b. The good-faith investment described in paragraph "a" was  
23 made after the use restriction was unenforceable under section  
24 614.24 and before the use restriction was revived pursuant to  
25 this chapter.

26 Sec. 114. Section 614.24, Code 2015, is amended by adding  
27 the following new subsection:

28 NEW SUBSECTION. 6. If use restrictions are revived pursuant  
29 to chapter 564B, the recording date for purposes of the  
30 twenty-one year limitation in subsection 1 shall be the date  
31 the revived use restrictions are recorded under section 564B.6,  
32 subsection 1.

33 Sec. 115. APPLICABILITY. This division of this Act applies  
34 to common interest communities created prior to, and still in  
35 existence on, July 1, 2015, and created on or after July 1,

1 2015.

2 DIVISION XVII

3 INTEROPERABLE COMMUNICATIONS

4 Sec. 116. Section 80.28, subsection 2, unnumbered paragraph  
5 1, Code 2015, is amended to read as follows:

6 The board shall consist of ~~fifteen~~ seventeen voting members,  
7 as follows:

8 Sec. 117. Section 80.28, subsection 2, paragraph b,  
9 subparagraph (4), Code 2015, is amended to read as follows:

10 (4) Two members who are ~~law~~ public safety communication  
11 center managers employed by state or local government agencies.

12 Sec. 118. Section 80.28, subsection 2, paragraph b, Code  
13 2015, is amended by adding the following new subparagraphs:

14 NEW SUBPARAGRAPH. (05) One member representing local  
15 emergency management coordinators.

16 NEW SUBPARAGRAPH. (005) One member representing emergency  
17 medical service providers.

18 DIVISION XVIII

19 HUMAN TRAFFICKING

20 Sec. 119. Section 80B.11, subsection 1, paragraph c, Code  
21 2015, is amended by adding the following new subparagraph:

22 NEW SUBPARAGRAPH. (4) In-service training under this  
23 paragraph "c" shall include the requirement that all law  
24 enforcement officers complete four hours of in-service training  
25 every five years related to domestic assault, sexual assault,  
26 human trafficking, stalking, and harassment. Such in-service  
27 training shall be approved by the academy in consultation  
28 with the Iowa coalition against sexual assault and the Iowa  
29 coalition against domestic violence.

30 Sec. 120. NEW SECTION. **692.23 Human trafficking**  
31 **information.**

32 The division of criminal and juvenile justice planning  
33 of the department of human rights shall collect and maintain  
34 criminal history data on incidents related to human trafficking  
35 in this state, and shall submit an annual report to the general

1 assembly concerning the collected data. For purposes of this  
2 section, "*incidents related to human trafficking*" means criminal  
3 violations of section 710.5, 710.11, or 710A.2, section 725.1,  
4 subsection 2, or section 725.2 or 725.3, or violations of  
5 section 710.2, 710.3, or 710.4 if the victim was forced to  
6 provide labor or services or participate in commercial sexual  
7 activity.

8 Sec. 121. Section 702.11, subsection 1, Code 2015, is  
9 amended to read as follows:

10 1. A "*forcible felony*" is any felonious child endangerment,  
11 assault, murder, sexual abuse, kidnapping, robbery, arson in  
12 the first degree, ~~or~~ burglary in the first degree, or human  
13 trafficking.

14 Sec. 122. NEW SECTION. **710A.6 Outreach, public awareness,**  
15 **and training programs.**

16 The crime victim assistance division of the department of  
17 justice, in cooperation with other governmental agencies and  
18 nongovernmental or community organizations, shall develop and  
19 conduct outreach, public awareness, and training programs for  
20 the general public, law enforcement agencies, first responders,  
21 potential victims, and persons conducting or regularly dealing  
22 with businesses or other ventures that have a high statistical  
23 incidence of debt bondage or forced labor or services. The  
24 programs shall train participants to recognize and report  
25 incidents of human trafficking and to suppress the demand that  
26 fosters exploitation of persons and leads to human trafficking.

27 Sec. 123. Section 915.94, Code 2015, is amended to read as  
28 follows:

29 **915.94 Victim compensation fund.**

30 A victim compensation fund is established as a separate  
31 fund in the state treasury. Moneys deposited in the fund  
32 shall be administered by the department and dedicated to and  
33 used for the purposes of section 915.41 and this subchapter.  
34 In addition, the department may use moneys from the fund  
35 for the purpose of the department's prosecutor-based victim

1 service coordination, including the duties defined in sections  
 2 910.3 and 910.6 and this chapter, and for the award of funds  
 3 to programs that provide services and support to victims of  
 4 domestic abuse or sexual assault as provided in chapter 236,  
 5 to victims under section 710A.2, and for the support of an  
 6 automated victim notification system established in section  
 7 915.10A. ~~The~~ For each fiscal year, the department may also  
 8 use up to ~~one~~ three hundred thousand dollars from the fund  
 9 to provide training for victim service providers, to provide  
 10 training for related professionals concerning victim service  
 11 programming, and to provide training concerning homicide,  
 12 domestic assault, sexual assault, stalking, harassment,  
 13 and human trafficking as required by section 710A.6.  
 14 Notwithstanding section 8.33, any balance in the fund on June  
 15 30 of any fiscal year shall not revert to the general fund of  
 16 the state.

## DIVISION XIX

## SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS INTERNSHIP

18 Sec. 124. Section 15.411, subsection 3, Code 2015, is  
 19 amended to read as follows:  
 20

21 3. a. The authority shall establish and administer an  
 22 internship program with two components for Iowa students.  
 23 To the extent permitted by this subsection, the authority  
 24 shall administer the two components in as similar a manner as  
 25 possible. For purposes of this subsection, "*Iowa student*" means  
 26 a student of an Iowa community college, private college, or  
 27 institution of higher learning under the control of the state  
 28 board of regents, or a student who graduated from high school  
 29 in Iowa but now attends an institution of higher learning  
 30 outside the state of Iowa.

31 b. The purpose of the first component of the program is  
 32 to link Iowa students to small and medium sized Iowa firms  
 33 through internship opportunities. An Iowa employer may receive  
 34 financial assistance ~~in an amount of one dollar for every~~  
 35 ~~two dollars paid by the employer to an intern~~ on a matching

1 basis for a portion of the wages paid to an intern. If  
 2 providing financial assistance, the authority shall provide  
 3 the assistance on a reimbursement basis such that for every  
 4 two dollars of wages earned by the student, one dollar paid by  
 5 the employer is matched by one dollar from the authority. The  
 6 amount of financial assistance shall not exceed three thousand  
 7 one hundred dollars for any single internship, or nine thousand  
 8 three hundred dollars for any single employer. In order to be  
 9 eligible to receive financial assistance under this paragraph,  
 10 the employer must have five hundred or fewer employees and must  
 11 be an innovative business. The authority shall encourage youth  
 12 who reside in economically distressed areas, youth adjudicated  
 13 to have committed a delinquent act, and youth transitioning out  
 14 of foster care to participate in the first component of the  
 15 internship program.

16 c. (1) The purpose of the second component of the program  
 17 is to assist in placing Iowa students studying in the fields  
 18 of science, technology, engineering, and mathematics into  
 19 internships that lead to permanent positions with Iowa  
 20 employers. The authority shall collaborate with eligible  
 21 employers, including but not limited to innovative businesses,  
 22 to ensure that the interns hired are studying in such fields.  
 23 An Iowa employer may receive financial assistance ~~in an amount~~  
 24 ~~of one dollar for every dollar paid by the employer to an~~  
 25 intern on a matching basis for a portion of the wages paid to  
 26 an intern. If providing financial assistance, the authority  
 27 shall provide the assistance on a reimbursement basis such  
 28 that for every two dollars of wages earned by the student,  
 29 one dollar paid by the employer is matched by one dollar from  
 30 the authority. The amount of financial assistance shall not  
 31 exceed five thousand dollars per internship. The authority may  
 32 adopt rules to administer this component. In adopting rules to  
 33 administer this component, the authority shall adopt rules as  
 34 similar as possible to those adopted pursuant to paragraph "b".

35 (2) The requirement to administer this component of the

1 internship program is contingent upon the provision of funding  
2 for such purposes by the general assembly.

3 Sec. 125. EMERGENCY RULES. The economic development  
4 authority may adopt emergency rules under section 17A.4,  
5 subsection 3, and section 17A.5, subsection 2, paragraph "b",  
6 to implement the provisions of this division of this Act and  
7 the rules shall be effective immediately upon filing unless  
8 a later date is specified in the rules. Any rules adopted  
9 in accordance with this section shall also be published as a  
10 notice of intended action as provided in section 17A.4.

11 Sec. 126. EFFECTIVE UPON ENACTMENT. This division of this  
12 Act, being deemed of immediate importance, takes effect upon  
13 enactment.

14 Sec. 127. RETROACTIVE APPLICABILITY. This division of this  
15 Act applies retroactively to July 1, 2014.

16 DIVISION XX

17 ANTIHARASSMENT AND ANTIBULLYING

18 Sec. 128. Section 256.9, Code 2015, is amended by adding the  
19 following new subsection:

20 NEW SUBSECTION. 66. Subject to an appropriation of funds by  
21 the general assembly, ensure each school district has access to  
22 adequate training on conducting investigations of complaints of  
23 incidents of harassment or bullying pursuant to section 280.28  
24 by offering such training on an annual basis to at least one  
25 employee per district.

26 Sec. 129. NEW SECTION. 256.34 **Bullying and violence**  
27 **prevention student mentoring pilot program.**

28 1. Subject to an appropriation of funds by the general  
29 assembly, the department shall establish a student mentoring  
30 pilot program to explore how student leadership can help  
31 prevent bullying and violence in schools. The program shall  
32 promote best practices for bullying and violence prevention for  
33 middle and high school students.

34 2. The department shall establish the program in at least  
35 two middle schools and two high schools in the state. The

1 selected schools shall include both urban and rural schools.

2 3. The department shall establish criteria for the  
3 selection of participating schools and evaluation of the  
4 program.

5 Sec. 130. Section 280.28, subsection 2, paragraphs a and c,  
6 Code 2015, are amended to read as follows:

7 a. "Electronic" means any communication involving the  
8 transmission of information by wire, radio, optical cable,  
9 electromagnetic, or other similar means. "Electronic" includes  
10 but is not limited to communication via electronic mail,  
11 internet-based communications including social networking  
12 sites, pager service, cell phones, and electronic text  
13 messaging, or any other electronic communication site, device,  
14 or means.

15 c. "Trait or characteristic of the student" includes but  
16 is not limited to age, color, creed, national origin, race,  
17 religion, marital status, sex, sexual orientation, gender  
18 identity, physical attributes, physical or mental ability or  
19 disability, ancestry, political party preference, political  
20 belief, socioeconomic status, ~~or~~ familial status, behavior, or  
21 any other distinguishing characteristic. This paragraph shall  
22 be construed broadly to achieve the purposes of this section.

23 Sec. 131. Section 280.28, subsection 3, Code 2015, is  
24 amended by adding the following new paragraph:

25 NEW PARAGRAPH. h. A procedure for the notification as  
26 soon as practicable of the parents or guardians of the alleged  
27 targeted students and perpetrators in a reported incident  
28 of harassment or bullying. The procedure shall include an  
29 exception to the notification requirement if a school official  
30 or a student whose parent or guardian would otherwise be  
31 notified reasonably believes notification would subject the  
32 student to rejection, abuse, or neglect.

33 Sec. 132. Section 280.28, Code 2015, is amended by adding  
34 the following new subsections:

35 NEW SUBSECTION. 9. *Authority off school grounds.*

1     *a.* A school official may investigate and impose school  
2 discipline in a founded case of harassment or bullying that  
3 occurs outside of school, off of school property, or away from  
4 a school function or school-sponsored activity if all of the  
5 following apply:

6       (1) An incident of harassment or bullying is reported  
7 pursuant to the school's policy adopted under subsection 3,  
8 paragraph "e".

9       (2) The alleged incident of harassment or bullying has  
10 an effect on a student on school grounds that creates an  
11 objectively hostile school environment that meets one or more  
12 of the conditions set out under subsection 2, paragraph "b".

13     *b.* A school official's investigation and response to an  
14 alleged incident of bullying or harassment that occurs outside  
15 of school, off of school property, or away from a school  
16 function or school-sponsored activity may include referring  
17 the matter to appropriate community-based agencies including  
18 but not limited to social services agencies, law enforcement  
19 agencies, and nonprofit organizations.

20     NEW SUBSECTION. 10. *Rule of construction.* This section  
21 shall not be construed to diminish a school administrator's  
22 discretion to impose discipline or take other action in the  
23 case of an unfounded incident of harassment or bullying if a  
24 student's behavior otherwise constitutes student misconduct  
25 based on other grounds.

26     Sec. 133. Section 282.18, subsection 11, Code 2015, is  
27 amended to read as follows:

28     11. A pupil who participates in open enrollment for purposes  
29 of attending a grade in grades nine through twelve in a school  
30 district other than the district of residence is ineligible to  
31 participate in varsity interscholastic athletic contests and  
32 athletic competitions during the pupil's first ninety school  
33 days of enrollment in the district except that the pupil may  
34 participate immediately in a varsity interscholastic sport if  
35 the pupil is entering grade nine for the first time and did

1 not participate in an interscholastic athletic competition for  
2 another school or school district during the summer immediately  
3 following eighth grade, if the district of residence and the  
4 other school district jointly participate in the sport, if the  
5 sport in which the pupil wishes to participate is not offered  
6 in the district of residence, if the pupil chooses to use  
7 open enrollment to attend school in another school district  
8 because the district in which the student previously attended  
9 school was dissolved and merged with one or more contiguous  
10 school districts under section 256.11, subsection 12, if the  
11 pupil participates in open enrollment because the pupil's  
12 district of residence has entered into a whole grade sharing  
13 agreement with another district for the pupil's grade, or if  
14 the parent or guardian of the pupil participating in open  
15 enrollment is an active member of the armed forces and resides  
16 in permanent housing on government property provided by a  
17 branch of the armed services, or if the district of residence  
18 determines that the pupil was subject to a founded incident  
19 of harassment or bullying as defined in section 280.28 while  
20 attending school in the district of residence in the current or  
21 previous school year and both the district of residence and the  
22 other school district agree to allow the pupil to participate  
23 immediately in a varsity interscholastic sport. A pupil who  
24 has paid tuition and attended school, or has attended school  
25 pursuant to a mutual agreement between the two districts,  
26 in a district other than the pupil's district of residence  
27 for at least one school year is also eligible to participate  
28 immediately in interscholastic athletic contests and athletic  
29 competitions under this section, but only as a member of a team  
30 from the district that pupil had attended. For purposes of  
31 this subsection, "*school days of enrollment*" does not include  
32 enrollment in summer school. For purposes of this subsection,  
33 "*varsity*" means the same as defined in section 256.46.

34 Sec. 134. SCHOOL CLIMATE AND BULLYING WORK GROUP.

35 1. The department of education shall convene a

1 public-private work group of representatives of state and local  
2 agencies, citizens, community groups, and organizations who  
3 have experience and expertise in the areas of antibullying  
4 education, research, and training. The work group, after  
5 reviewing existing research, data, and strategies, shall  
6 provide recommendations to the department regarding best  
7 practices, training, resources, additional research needs,  
8 data collection, changes to state law and administrative  
9 rules, and any other matters to enhance statewide school  
10 climate improvement and bullying prevention, awareness, and  
11 intervention.

12 2. The membership of the work group shall include but not be  
13 limited to the following, to be appointed by the director:

14 a. At least three Iowans who are experts in research-based  
15 antibullying curricula or programs.

16 b. A public or nonpublic high school student.

17 c. A parent of a student enrolled in a public elementary or  
18 secondary school on a full-time basis.

19 d. A parent of a student enrolled in a nonpublic elementary  
20 or secondary school on a full-time basis.

21 e. A member from nominees submitted by the school  
22 administrators of Iowa.

23 f. A member from nominees submitted by the Iowa association  
24 of school boards.

25 g. A member from nominees submitted by the Iowa state  
26 education association.

27 h. Representatives from any organizations representing  
28 other relevant public or nonpublic school professionals.

29 i. A representative from a statewide organization that  
30 provides research-based training on bullying for school  
31 professionals.

32 j. A representative from at least one statewide  
33 organization with at least five years' experience in advocating  
34 on bullying prevention based on research-based best practices.

35 k. A representative for children placed in foster care.

1 1. A representative of school counselors.

2 m. A member from nominees submitted by the Iowa parent  
3 teacher association.

4 3. When making appointments to the work group, the director  
5 shall ensure that public, nonpublic, urban, and rural schools  
6 are adequately represented by the membership of the work group.

7 4. The work group shall also include two ex officio members  
8 of each house of the general assembly. One member each shall  
9 be selected by the majority leader of the senate and by the  
10 minority leader of the senate, and one member each shall be  
11 selected by the speaker of the house of representatives and by  
12 the minority leader of the house of representatives. Members  
13 of the general assembly shall serve for terms as provided in  
14 section 69.16B and shall be entitled to receive per diem and  
15 necessary travel and actual expenses pursuant to section 2.10,  
16 subsection 5, while carrying out their official duties as  
17 members of the work group.

18 5. The department shall convene the work group by October  
19 1, 2015. The work group shall submit its findings and  
20 recommendations in a final report to the department and the  
21 chairpersons and ranking members of the senate and house  
22 education committees by December 15, 2016.

23 DIVISION XXI

24 SCHOOL DISTRICT PROPERTY TAX

25 REPLACEMENT PAYMENTS

26 Sec. 135. Section 257.16B, subsection 2, paragraph c,  
27 unnumbered paragraph 1, as enacted by 2015 Iowa Acts, Senate  
28 File 173, section 3, is amended to read as follows:

29 For each the budget year beginning ~~on or after~~ July 1, 2015,  
30 ~~unless otherwise provided by law,~~ the department of management  
31 shall calculate for each school district all of the following:

32 Sec. 136. Section 257.16B, subsection 2, paragraph c,  
33 subparagraph (3), as enacted by 2015 Iowa Acts, Senate File  
34 173, section 3, is amended to read as follows:

35 (3) The amount of each school district's property tax

1 replacement payment. Each school district's property tax  
2 replacement payment equals the school district's weighted  
3 enrollment for the budget year beginning July 1, 2015,  
4 multiplied by the remainder of the amount calculated for  
5 the school district under subparagraph (2) minus the amount  
6 calculated for the school district under subparagraph (1).

7 Sec. 137. Section 257.16B, subsection 2, Code 2015, is  
8 amended by adding the following new paragraph:

9 NEW PARAGRAPH. *d.* For each budget year beginning on  
10 or after July 1, 2016, the department of management shall  
11 calculate for each school district all of the following:

12 (1) The regular program state cost per pupil for the budget  
13 year beginning July 1, 2012, multiplied by one hundred percent  
14 less the regular program foundation base per pupil percentage  
15 pursuant to section 257.1.

16 (2) The regular program state cost per pupil for the budget  
17 year beginning July 1, 2016, multiplied by one hundred percent  
18 less the regular program foundation base per pupil percentage  
19 pursuant to section 257.1.

20 (3) The amount of each school district's property tax  
21 replacement payment. Each school district's property tax  
22 replacement payment equals the school district's weighted  
23 enrollment for the budget year multiplied by the remainder  
24 of the amount calculated for the school district under  
25 subparagraph (2) minus the amount calculated for the school  
26 district under subparagraph (1).

27 DIVISION XXII

28 CONTROLLED SUBSTANCES

29 Sec. 138. Section 124.201, subsection 4, Code 2015, is  
30 amended to read as follows:

31 4. If any new substance is designated as a controlled  
32 substance under federal law and notice of the designation is  
33 given to the board, the board shall similarly designate as  
34 controlled the new substance under this chapter after the  
35 expiration of thirty days from publication in the federal

1 register of a final order designating a new substance as a  
 2 controlled substance, unless within that thirty-day period  
 3 the board objects to the new designation. In that case the  
 4 board shall publish the reasons for objection and afford  
 5 all interested parties an opportunity to be heard. At  
 6 the conclusion of the hearing the board shall announce its  
 7 decision. Upon publication of objection to a new substance  
 8 being designated as a controlled substance under this chapter  
 9 by the board, control under this chapter is stayed until the  
 10 board publishes its decision. If a substance is designated  
 11 as controlled by the board under this subsection the control  
 12 shall be considered a temporary and if, within sixty days after  
 13 the next regular session of the general assembly convenes,  
 14 the general assembly has not made the corresponding changes  
 15 in this chapter, the temporary designation of control of  
 16 the substance by the board shall be nullified amendment to  
 17 the schedules of controlled substances in this chapter. If  
 18 the board so designates a substance as controlled, which  
 19 is considered a temporary amendment to the schedules of  
 20 controlled substances in this chapter, and if the general  
 21 assembly does not amend this chapter to enact the temporary  
 22 amendment and make the enactment effective within two years  
 23 from the date the temporary amendment first became effective,  
 24 the temporary amendment is repealed by operation of law two  
 25 years from the effective date of the temporary amendment. A  
 26 temporary amendment repealed by operation of law is subject to  
 27 section 4.13 relating to the construction of statutes and the  
 28 application of a general savings provision.

29 Sec. 139. Section 124.204, subsection 4, Code 2015, is  
 30 amended by adding the following new paragraphs:

31 NEW PARAGRAPH. al. 4-methyl-N-ethylcathinone. Other names:  
 32 4-MEC, 2-(ethylamino)-1-(4-methylphenyl)propan-1-one.

33 NEW PARAGRAPH. am. 4-methyl-alpha-  
 34 pyrrolidinopropiophenone. Other names: 4-MePPP,  
 35 MePPP, 4-methyl-[alpha]-pyrrolidinopropiophenone,

1 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)-propan-1-one.  
2 NEW PARAGRAPH. *an.* Alpha-pyrrolidinopentiophenone.  
3 Other names: [alpha]-PVP, [alpha]-pyrrolidinovalerophenone,  
4 1-phenyl-2-(pyrrolidin-1-yl)pentan-1-one.  
5 NEW PARAGRAPH. *ao.* Butylone. Other names: bk-MBDB,  
6 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one.  
7 NEW PARAGRAPH. *ap.* Pentedrone. Other  
8 names: [alpha]-methylaminovalerophenone,  
9 2-(methylamino)-1-phenylpentan-1-one.  
10 NEW PARAGRAPH. *aq.* Pentylone. Other names: bk-MBDP,  
11 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one.  
12 NEW PARAGRAPH. *ar.* 4-fluoro-N-methylcathinone.  
13 Other names: 4-FMC, flephedrone,  
14 1-(4-fluorophenyl)-2-(methylamino)propan-1-one.  
15 NEW PARAGRAPH. *as.* 3-fluoro-N-methylcathinone. Other  
16 names: 3-FMC, 1-(3-fluorophenyl)-2-(methylamino)propan-1-one.  
17 NEW PARAGRAPH. *at.* Naphyrone. Other names:  
18 naphthylpyrovalerone, 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)  
19 pentan-1-one.  
20 NEW PARAGRAPH. *au.* Alpha-pyrrolidinobutiophenone. Other  
21 names: [alpha]-PBP, 1-phenyl-2-(pyrrolidin-1-yl)butan-1-one.  
22 Sec. 140. Section 124.204, subsection 9, Code 2015, is  
23 amended by adding the following new paragraphs:  
24 NEW PARAGRAPH. *g.* Quinolin-8-yl 1-pentyl-1H-indole-  
25 3-carboxylate. Other names: PB-22, QUPIC.  
26 NEW PARAGRAPH. *h.* Quinolin-8-yl 1-(5-fluoropentyl)-1H-  
27 indole-3-carboxylate. Other names: 5-fluoro-PB-22, 5F-PB-22.  
28 NEW PARAGRAPH. *i.* N-(1-amino-3-methyl-1-  
29 oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide.  
30 Other name: AB-FUBINACA.  
31 NEW PARAGRAPH. *j.* N-(1-amino-3,3-dimethyl-1-  
32 oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide. Other name:  
33 ADB-PINACA.  
34 Sec. 141. Section 124.208, subsection 5, paragraph a,  
35 subparagraphs (3) and (4), Code 2015, are amended by striking

1 the subparagraphs.

2 Sec. 142. Section 124.210, subsection 2, Code 2015, is  
3 amended by adding the following new paragraph:

4 NEW PARAGRAPH. *c.* 2-[(dimethylamino)methyl]-1-  
5 (3-methoxyphenyl)cyclohexanol, its salts, optical and geometric  
6 isomers, and salts of these isomers (including tramadol).

7 Sec. 143. Section 124.210, subsection 3, Code 2015, is  
8 amended by adding the following new paragraphs:

9 NEW PARAGRAPH. *bb.* Alfaxalone.

10 NEW PARAGRAPH. *bc.* Suvorexant.

11 DIVISION XXIII

12 GREYHOUND RACING

13 Sec. 144. Section 99D.9C, subsection 2, paragraph a, Code  
14 2015, is amended to read as follows:

15 *a.* The Iowa greyhound association shall establish an  
16 escrow fund under its control for the receipt and deposit  
17 of moneys transferred to the Iowa greyhound association  
18 pursuant to section 99D.9B. The Iowa greyhound association  
19 shall use moneys in the escrow fund to pay all reasonable  
20 and necessary costs and fees associated with conducting live  
21 racing and pari-mutuel wagering on simultaneously telecast  
22 horse or dog races, including but not limited to regulatory and  
23 administrative fees, capital improvements, purse supplements,  
24 operational costs, obligations pursuant to any purse supplement  
25 agreement as amended and approved by the commission, payment  
26 of rents for leased facilities and costs of maintenance of  
27 leased facilities, payment for products and services provided  
28 by the licensee authorized to conduct gambling games in Dubuque  
29 county pursuant to section 99F.4A, subsection 9, costs to  
30 maintain the license, costs for posting a bond as required by  
31 section 99D.10, and administrative costs and fees incurred  
32 in connection with the pursuit of the continuation of live  
33 greyhound racing. Notwithstanding any action taken by the  
34 commission prior to the effective date of this division of this  
35 Act regarding the escrow fund created pursuant to an arbitrator

1 decision and award dated December 22, 1995, all moneys in the  
2 escrow fund created pursuant to the arbitrator decision and  
3 award shall be transferred to the escrow fund created pursuant  
4 to this subsection and shall be administered pursuant to this  
5 subsection. The Iowa greyhound association shall take all  
6 action necessary to facilitate the transfer of moneys.

7 Sec. 145. EFFECTIVE UPON ENACTMENT. This division of this  
8 Act, being deemed of immediate importance, takes effect upon  
9 enactment.

10

DIVISION XXIV

11

INTERSTATE MEDICAL LICENSURE COMPACT

12

Sec. 146. NEW SECTION. 148G.1 Interstate medical licensure  
13 compact.

14

1. *Purpose.*

15

a. In order to strengthen access to health care, and in  
16 recognition of the advances in the delivery of health care,  
17 the member states of the interstate medical licensure compact  
18 have allied in common purpose to develop a comprehensive  
19 process that complements the existing licensing and regulatory  
20 authority of state medical boards and provides a streamlined  
21 process that allows physicians to become licensed in multiple  
22 states, thereby enhancing the portability of a medical license  
23 and ensuring the safety of patients. The compact creates  
24 another pathway for licensure and does not otherwise change  
25 a state's existing medical practice act. The compact also  
26 adopts the prevailing standard for licensure and affirms that  
27 the practice of medicine occurs where the patient is located  
28 at the time of the physician-patient encounter, and therefore,  
29 requires the physician to be under the jurisdiction of the  
30 state medical board where the patient is located.

31

b. State medical boards that participate in the compact  
32 retain the jurisdiction to impose an adverse action against  
33 a license to practice medicine in that state issued to a  
34 physician through the procedures in the compact.

35

2. *Definitions.* In this compact:

- 1     *a.* "Bylaws" means those bylaws established by the interstate  
2 commission pursuant to subsection 11 for its governance, or for  
3 directing and controlling its actions and conduct.
- 4     *b.* "Commissioner" means the voting representative appointed  
5 by each member board pursuant to subsection 11.
- 6     *c.* "Conviction" means a finding by a court that  
7 an individual is guilty of a criminal offense through  
8 adjudication, or entry of a plea of guilt or no contest to the  
9 charge by the offender. Evidence of an entry of a conviction  
10 of a criminal offense by the court shall be considered final  
11 for purposes of disciplinary action by a member board.
- 12     *d.* "Expedited license" means a full and unrestricted medical  
13 license granted by a member state to an eligible physician  
14 through the process set forth in the compact.
- 15     *e.* "Interstate commission" means the interstate commission  
16 created pursuant to this section.
- 17     *f.* "License" means authorization by a state for a physician  
18 to engage in the practice of medicine, which would be unlawful  
19 without the authorization.
- 20     *g.* "Medical practice act" means laws and regulations  
21 governing the practice of allopathic and osteopathic medicine  
22 within a member state.
- 23     *h.* "Member board" means a state agency in a member state  
24 that acts in the sovereign interests of the state by protecting  
25 the public through licensure, regulation, and education of  
26 physicians as directed by the state government.
- 27     *i.* "Member state" means a state that has enacted the  
28 compact.
- 29     *j.* "Offense" means a felony, gross misdemeanor, or crime of  
30 moral turpitude.
- 31     *k.* "Physician" means any person who satisfies all of the  
32 following:
- 33         (1) Is a graduate of a medical school accredited by the  
34 liaison committee on medical education, the commission on  
35 osteopathic college accreditation, or a medical school listed

1 in the international medical education directory or its  
2 equivalent.

3 (2) Passed each component of the United States medical  
4 licensing examination or the comprehensive osteopathic medical  
5 licensing examination within three attempts, or any of its  
6 predecessor examinations accepted by a state medical board as  
7 an equivalent examination for licensure purposes.

8 (3) Successfully completed graduate medical education  
9 approved by the accreditation council for graduate medical  
10 education or the American osteopathic association.

11 (4) Holds specialty certification or a time-unlimited  
12 specialty certificate recognized by the American board of  
13 medical specialties or the American osteopathic association's  
14 bureau of osteopathic specialists.

15 (5) Possesses a full and unrestricted license to engage in  
16 the practice of medicine issued by a member board.

17 (6) Has never been convicted, received adjudication,  
18 deferred adjudication, community supervision, or deferred  
19 disposition for any offense by a court of appropriate  
20 jurisdiction.

21 (7) Has never held a license authorizing the practice of  
22 medicine subjected to discipline by a licensing agency in any  
23 state, federal, or foreign jurisdiction, excluding any action  
24 related to nonpayment of fees related to a license.

25 (8) Has never had a controlled substance license or permit  
26 suspended or revoked by a state or the United States drug  
27 enforcement administration.

28 (9) Is not under active investigation by a licensing agency  
29 or law enforcement authority in any state, federal, or foreign  
30 jurisdiction.

31 *l. "Practice of medicine"* means the clinical prevention,  
32 diagnosis, or treatment of human disease, injury, or condition  
33 requiring a physician to obtain and maintain a license in  
34 compliance with the medical practice act of a member state.

35 *m. "Rule"* means a written statement by the interstate

1 commission promulgated pursuant to subsection 12 that is of  
2 general applicability, implements, interprets, or prescribes  
3 a policy or provision of the compact, or an organizational,  
4 procedural, or practice requirement of the interstate  
5 commission, and has the force and effect of statutory law in a  
6 member state, and includes the amendment, repeal, or suspension  
7 of an existing rule.

8     *n.* "State" means any state, commonwealth, district, or  
9 territory of the United States.

10     *o.* "State of principal license" means a member state where  
11 a physician holds a license to practice medicine and which  
12 has been designated as such by the physician for purposes of  
13 registration and participation in the compact.

14     3. *Eligibility.*

15     *a.* A physician must meet the eligibility requirements as  
16 defined in subsection 2, paragraph "k", to receive an expedited  
17 license under the terms and provisions of the compact.

18     *b.* A physician who does not meet the requirements of  
19 subsection 2, paragraph "k", may obtain a license to practice  
20 medicine in a member state if the individual complies with all  
21 laws and requirements, other than the compact, relating to the  
22 issuance of a license to practice medicine in that state.

23     4. *Designation of state of principal license.*

24     *a.* A physician shall designate a member state as the state  
25 of principal license for purposes of registration for expedited  
26 licensure through the compact if the physician possesses a full  
27 and unrestricted license to practice medicine in that state,  
28 and the state is:

29         (1) The state of primary residence for the physician, or

30         (2) The state where at least twenty-five percent of the  
31 practice of medicine occurs, or

32         (3) The location of the physician's employer, or

33         (4) If no state qualifies under subparagraph (1),

34 subparagraph (2), or subparagraph (3), the state designated as  
35 state of residence for purposes of federal income tax.

1     *b.* A physician may redesignate a member state as the state  
2 of principal license at any time, as long as the state meets  
3 the requirements in paragraph "a".

4     *c.* The interstate commission is authorized to develop rules  
5 to facilitate redesignation of another member state as the  
6 state of principal license.

7     5. *Application and issuance of expedited licensure.*

8     *a.* A physician seeking licensure through the compact shall  
9 file an application for an expedited license with the member  
10 board of the state selected by the physician as the state of  
11 principal license.

12    *b.* Upon receipt of an application for an expedited  
13 license, the member board within the state selected as  
14 the state of principal license shall evaluate whether the  
15 physician is eligible for expedited licensure and issue a  
16 letter of qualification, verifying or denying the physician's  
17 eligibility, to the interstate commission.

18     (1) Static qualifications, which include verification of  
19 medical education, graduate medical education, results of any  
20 medical or licensing examination, and other qualifications as  
21 determined by the interstate commission through rule, shall  
22 not be subject to additional primary source verification where  
23 already primary source-verified by the state of principal  
24 license.

25     (2) The member board within the state selected as the  
26 state of principal license shall, in the course of verifying  
27 eligibility, perform a criminal background check of an  
28 applicant, including the use of the results of fingerprint or  
29 other biometric data checks compliant with the requirements  
30 of the federal bureau of investigation, with the exception  
31 of federal employees who have suitability determination in  
32 accordance with 5 C.F.R. §731.202.

33     (3) Appeal on the determination of eligibility shall be made  
34 to the member state where the application was filed and shall  
35 be subject to the law of that state.

1     *c.* Upon verification in paragraph "*b*", physicians eligible  
2 for an expedited license shall complete the registration  
3 process established by the interstate commission to receive a  
4 license in a member state selected pursuant to paragraph "*a*",  
5 including the payment of any applicable fees.

6     *d.* After receiving verification of eligibility under  
7 paragraph "*b*" and any fees under paragraph "*c*", a member board  
8 shall issue an expedited license to the physician. This  
9 license shall authorize the physician to practice medicine in  
10 the issuing state consistent with the medical practice act and  
11 all applicable laws and regulations of the issuing member board  
12 and member state.

13     *e.* An expedited license shall be valid for a period  
14 consistent with the licensure period in the member state and in  
15 the same manner as required for other physicians holding a full  
16 and unrestricted license within the member state.

17     *f.* An expedited license obtained through the compact shall  
18 be terminated if a physician fails to maintain a license in  
19 the state of principal license for a nondisciplinary reason,  
20 without redesignation of a new state of principal license.

21     *g.* The interstate commission is authorized to develop rules  
22 regarding the application process, including payment of any  
23 applicable fees, and the issuance of an expedited license.

24     6. *Fees for expedited licensure.*

25     *a.* A member state issuing an expedited license authorizing  
26 the practice of medicine in that state may impose a fee for a  
27 license issued or renewed through the compact.

28     *b.* The interstate commission is authorized to develop rules  
29 regarding fees for expedited licenses.

30     7. *Renewal and continued participation.*

31     *a.* A physician seeking to renew an expedited license granted  
32 in a member state shall complete a renewal process with the  
33 interstate commission if the physician satisfies the following:

34     (1) Maintains a full and unrestricted license in a state of  
35 principal license.

1 (2) Has not been convicted, received adjudication, deferred  
2 adjudication, community supervision, or deferred disposition  
3 for any offense by a court of appropriate jurisdiction.

4 (3) Has not had a license authorizing the practice of  
5 medicine subject to discipline by a licensing agency in any  
6 state, federal, or foreign jurisdiction, excluding any action  
7 related to nonpayment of fees related to a license.

8 (4) Has not had a controlled substance license or permit  
9 suspended or revoked by a state or the United States drug  
10 enforcement administration.

11 *b.* Physicians shall comply with all continuing professional  
12 development or continuing medical education requirements for  
13 renewal of a license issued by a member state.

14 *c.* The interstate commission shall collect any renewal fees  
15 charged for the renewal of a license and distribute the fees  
16 to the applicable member board.

17 *d.* Upon receipt of any renewal fees collected in paragraph  
18 "*c*", a member board shall renew the physician's license.

19 *e.* Physician information collected by the interstate  
20 commission during the renewal process will be distributed to  
21 all member boards.

22 *f.* The interstate commission is authorized to develop rules  
23 to address renewal of licenses obtained through the compact.

24 8. *Coordinated information system.*

25 *a.* The interstate commission shall establish a database of  
26 all physicians licensed, or who have applied for licensure,  
27 under subsection 5.

28 *b.* Notwithstanding any other provision of law, member boards  
29 shall report to the interstate commission any public action  
30 or complaints against a licensed physician who has applied or  
31 received an expedited license through the compact.

32 *c.* Member boards shall report disciplinary or investigatory  
33 information determined as necessary and proper by rule of the  
34 interstate commission.

35 *d.* Member boards may report any nonpublic complaint,

1 disciplinary, or investigatory information not required by  
2 paragraph "c" to the interstate commission.

3 e. Member boards shall share complaint or disciplinary  
4 information about a physician upon request of another member  
5 board.

6 f. All information provided to the interstate commission or  
7 distributed by member boards shall be confidential, filed under  
8 seal, and used only for investigatory or disciplinary matters.

9 g. The interstate commission is authorized to develop rules  
10 for mandated or discretionary sharing of information by member  
11 boards.

12 9. *Joint investigations.*

13 a. Licensure and disciplinary records of physicians are  
14 deemed investigative.

15 b. In addition to the authority granted to a member board by  
16 its respective medical practice Act or other applicable state  
17 law, a member board may participate with other member boards  
18 in joint investigations of physicians licensed by the member  
19 boards.

20 c. A subpoena issued by a member state shall be enforceable  
21 in other member states.

22 d. Member boards may share any investigative, litigation, or  
23 compliance materials in furtherance of any joint or individual  
24 investigation initiated under the compact.

25 e. Any member state may investigate actual or alleged  
26 violations of the statutes authorizing the practice of medicine  
27 in any other member state in which a physician holds a license  
28 to practice medicine.

29 10. *Disciplinary actions.*

30 a. Any disciplinary action taken by any member board against  
31 a physician licensed through the compact shall be deemed  
32 unprofessional conduct which may be subject to discipline  
33 by other member boards, in addition to any violation of the  
34 medical practice Act or regulations in that state.

35 b. If a license granted to a physician by the member board

1 in the state of principal license is revoked, surrendered,  
2 or relinquished in lieu of discipline, or suspended, then  
3 all licenses issued to the physician by member boards shall  
4 automatically be placed, without further action necessary by  
5 any member board, on the same status. If the member board  
6 in the state of principal license subsequently reinstates  
7 the physician's license, a license issued to the physician  
8 by any other member board shall remain encumbered until that  
9 respective member board takes action to reinstate the license  
10 in a manner consistent with the medical practice Act of that  
11 state.

12 c. If disciplinary action is taken against a physician by a  
13 member board not in the state of principal license, any other  
14 member board may deem the action conclusive as to matter of law  
15 and fact decided and either:

16 (1) Impose the same or lesser sanctions against the  
17 physician so long as such sanctions are consistent with the  
18 medical practice Act of that state, or

19 (2) Pursue separate disciplinary action against the  
20 physician under its respective medical practice Act, regardless  
21 of the action taken in other member states.

22 d. If a license granted to a physician by a member board is  
23 revoked, surrendered, or relinquished in lieu of discipline,  
24 or suspended, then any licenses issued to the physician by  
25 any other member boards shall be suspended, automatically and  
26 immediately without further action necessary by the other  
27 member boards, for ninety days upon entry of the order by the  
28 disciplining board, to permit the member boards to investigate  
29 the basis for the action under the medical practice Act of that  
30 state. A member board may terminate the automatic suspension  
31 of the license it issued prior to the completion of the  
32 ninety-day suspension period in a manner consistent with the  
33 medical practice Act of that state.

34 11. *Interstate medical licensure compact commission.*

35 a. The member states hereby create the interstate medical

1 licensure compact commission.

2     *b.* The purpose of the interstate commission is the  
3 administration of the interstate medical licensure compact,  
4 which is a discretionary state function.

5     *c.* The interstate commission shall be a body corporate  
6 and joint agency of the member states and shall have all the  
7 responsibilities, powers, and duties set forth in the compact,  
8 and such additional powers as may be conferred upon it by a  
9 subsequent concurrent action of the respective legislatures of  
10 the member states in accordance with the terms of the compact.

11     *d.* The interstate commission shall consist of two voting  
12 representatives appointed by each member state who shall serve  
13 as commissioners. In states where allopathic and osteopathic  
14 physicians are regulated by separate member boards, or if  
15 the licensing and disciplinary authority is split between  
16 multiple member boards within a member state, the member state  
17 shall appoint one representative from each member board. A  
18 commissioner shall be one of the following:

19         (1) An allopathic or osteopathic physician appointed to a  
20 member board.

21         (2) An executive director, executive secretary, or similar  
22 executive of a member board.

23         (3) A member of the public appointed to a member board.

24     *e.* The interstate commission shall meet at least once each  
25 calendar year. A portion of this meeting shall be a business  
26 meeting to address such matters as may properly come before  
27 the commission, including the election of officers. The  
28 chairperson may call additional meetings and shall call for a  
29 meeting upon the request of a majority of the member states.

30     *f.* The bylaws may provide for meetings of the interstate  
31 commission to be conducted by telecommunication or electronic  
32 communication.

33     *g.* Each commissioner participating at a meeting of the  
34 interstate commission is entitled to one vote. A majority of  
35 commissioners shall constitute a quorum for the transaction

1 of business, unless a larger quorum is required by the bylaws  
2 of the interstate commission. A commissioner shall not  
3 delegate a vote to another commissioner. In the absence of its  
4 commissioner, a member state may delegate voting authority for  
5 a specified meeting to another person from that state who shall  
6 meet the requirements of paragraph "d".

7 *h.* The interstate commission shall provide public notice  
8 of all meetings and all meetings shall be open to the public.  
9 The interstate commission may close a meeting, in full or  
10 in portion, where it determines by a two-thirds vote of the  
11 commissioners present that an open meeting would be likely to  
12 result in one or more of the following:

13 (1) Relate solely to the internal personnel practices and  
14 procedures of the interstate commission.

15 (2) Discuss matters specifically exempted from disclosure  
16 by federal statute.

17 (3) Discuss trade secrets, commercial, or financial  
18 information that is privileged or confidential.

19 (4) Involve accusing a person of a crime, or formally  
20 censuring a person.

21 (5) Discuss information of a personal nature where  
22 disclosure would constitute a clearly unwarranted invasion of  
23 personal privacy.

24 (6) Discuss investigative records compiled for law  
25 enforcement purposes.

26 (7) Specifically relate to the participation in a civil  
27 action or other legal proceeding.

28 *i.* The interstate commission shall keep minutes which shall  
29 fully describe all matters discussed in a meeting and shall  
30 provide a full and accurate summary of actions taken, including  
31 record of any roll call votes.

32 *j.* The interstate commission shall make its information  
33 and official records, to the extent not otherwise designated  
34 in the compact or by its rules, available to the public for  
35 inspection.

1     *k.* The interstate commission shall establish an executive  
2 committee, which shall include officers, members, and others as  
3 determined by the bylaws. The executive committee shall have  
4 the power to act on behalf of the interstate commission, with  
5 the exception of rulemaking, during periods when the interstate  
6 commission is not in session. When acting on behalf of the  
7 interstate commission, the executive committee shall oversee  
8 the administration of the compact including enforcement and  
9 compliance with the provisions of the compact, its bylaws and  
10 rules, and other such duties as necessary.

11     *l.* The interstate commission may establish other committees  
12 for governance and administration of the compact.

13     12. *Powers and duties of the interstate commission.* The  
14 interstate commission shall have power to perform the following  
15 functions:

16     *a.* Oversee and maintain the administration of the compact.

17     *b.* Promulgate rules which shall be binding to the extent and  
18 in the manner provided for in the compact.

19     *c.* Issue, upon the request of a member state or  
20 member board, advisory opinions concerning the meaning or  
21 interpretation of the compact, its bylaws, rules, and actions.

22     *d.* Enforce compliance with compact provisions, the rules  
23 promulgated by the interstate commission, and the bylaws, using  
24 all necessary and proper means, including but not limited to  
25 the use of judicial process.

26     *e.* Establish and appoint committees including but not  
27 limited to an executive committee as required by subsection 11,  
28 which shall have the power to act on behalf of the interstate  
29 commission in carrying out its powers and duties.

30     *f.* Pay, or provide for the payment of, the expenses related  
31 to the establishment, organization, and ongoing activities of  
32 the interstate commission.

33     *g.* Establish and maintain one or more offices.

34     *h.* Borrow, accept, hire, or contract for services of  
35 personnel.

- 1     *i.* Purchase and maintain insurance and bonds.
- 2     *j.* Employ an executive director who shall have such  
3 powers to employ, select, or appoint employees, agents, or  
4 consultants, and to determine their qualifications, define  
5 their duties, and fix their compensation.
- 6     *k.* Establish personnel policies and programs relating  
7 to conflicts of interest, rates of compensation, and  
8 qualifications of personnel.
- 9     *l.* Accept donations and grants of money, equipment,  
10 supplies, materials, and services, and to receive, utilize, and  
11 dispose of the same in a manner consistent with the conflict of  
12 interest policies established by the interstate commission.
- 13    *m.* Lease, purchase, accept contributions or donations of, or  
14 otherwise to own, hold, improve, or use, any property, real,  
15 personal, or mixed.
- 16    *n.* Sell, convey, mortgage, pledge, lease, exchange, abandon,  
17 or otherwise dispose of any property, real, personal, or mixed.
- 18    *o.* Establish a budget and make expenditures.
- 19    *p.* Adopt a seal and bylaws governing the management and  
20 operation of the interstate commission.
- 21    *q.* Report annually to the legislatures and governors of  
22 the member states concerning the activities of the interstate  
23 commission during the preceding year. Such reports shall also  
24 include reports of financial audits and any recommendations  
25 that may have been adopted by the interstate commission.
- 26    *r.* Coordinate education, training, and public awareness  
27 regarding the compact, its implementation, and its operation.
- 28    *s.* Maintain records in accordance with the bylaws.
- 29    *t.* Seek and obtain trademarks, copyrights, and patents.
- 30    *u.* Perform such functions as may be necessary or appropriate  
31 to achieve the purposes of the compact.
- 32    13. *Finance powers.*
- 33    *a.* The interstate commission may levy on and collect an  
34 annual assessment from each member state to cover the cost of  
35 the operations and activities of the interstate commission and

1 its staff. The total assessment must be sufficient to cover  
2 the annual budget approved each year for which revenue is not  
3 provided by other sources. The aggregate annual assessment  
4 amount shall be allocated upon a formula to be determined  
5 by the interstate commission, which shall promulgate a rule  
6 binding upon all member states.

7 *b.* The interstate commission shall not incur obligations of  
8 any kind prior to securing the funds adequate to meet the same.

9 *c.* The interstate commission shall not pledge the credit of  
10 any of the member states, except by, and with the authority of,  
11 the member state.

12 *d.* The interstate commission shall be subject to a yearly  
13 financial audit conducted by a certified or licensed public  
14 accountant and the report of the audit shall be included in the  
15 annual report of the interstate commission.

16 14. *Organization and operation of the interstate commission.*

17 *a.* The interstate commission shall, by a majority of  
18 commissioners present and voting, adopt bylaws to govern its  
19 conduct as may be necessary or appropriate to carry out the  
20 purposes of the compact within twelve months of the first  
21 interstate commission meeting.

22 *b.* The interstate commission shall elect or appoint annually  
23 from among its commissioners a chairperson, a vice chairperson,  
24 and a treasurer, each of whom shall have such authority and  
25 duties as may be specified in the bylaws. The chairperson,  
26 or in the chairperson's absence or disability, the vice  
27 chairperson, shall preside at all meetings of the interstate  
28 commission.

29 *c.* Officers selected in paragraph "b" shall serve without  
30 remuneration from the interstate commission.

31 *d.* The officers and employees of the interstate commission  
32 shall be immune from suit and liability, either personally or  
33 in their official capacity, for a claim for damage to or loss  
34 of property or personal injury or other civil liability caused  
35 or arising out of, or relating to, an actual or alleged act,

1 error, or omission that occurred, or that such person had a  
2 reasonable basis for believing occurred, within the scope of  
3 interstate commission employment, duties, or responsibilities,  
4 provided that such person shall not be protected from suit or  
5 liability for damage, loss, injury, or liability caused by the  
6 intentional or willful and wanton misconduct of such person.

7 (1) The liability of the executive director and employees of  
8 the interstate commission or representatives of the interstate  
9 commission, acting within the scope of such person's employment  
10 or duties for acts, errors, or omissions occurring within such  
11 person's state, may not exceed the limits of liability set  
12 forth under the constitution and laws of that state for state  
13 officials, employees, and agents. The interstate commission  
14 is considered to be an instrumentality of the states for  
15 the purposes of any such action. Nothing in this paragraph  
16 "d" shall be construed to protect such person from suit or  
17 liability for damage, loss, injury, or liability caused by the  
18 intentional or willful and wanton misconduct of such person.

19 (2) The interstate commission shall defend the executive  
20 director, its employees, and subject to the approval of  
21 the attorney general or other appropriate legal counsel of  
22 the member state represented by an interstate commission  
23 representative, shall defend such interstate commission  
24 representative in any civil action seeking to impose liability  
25 arising out of an actual or alleged act, error, or omission  
26 that occurred within the scope of interstate commission  
27 employment, duties, or responsibilities, or that the defendant  
28 had a reasonable basis for believing occurred within the  
29 scope of interstate commission employment, duties, or  
30 responsibilities, provided that the actual or alleged act,  
31 error, or omission did not result from intentional or willful  
32 and wanton misconduct on the part of such person.

33 (3) To the extent not covered by the state involved, member  
34 state, or the interstate commission, the representatives or  
35 employees of the interstate commission shall be held harmless

1 in the amount of a settlement or judgment, including attorney  
2 fees and costs, obtained against such persons arising out of  
3 an actual or alleged act, error, or omission that occurred  
4 within the scope of interstate commission employment, duties,  
5 or responsibilities, or that such persons had a reasonable  
6 basis for believing occurred within the scope of interstate  
7 commission employment, duties, or responsibilities, provided  
8 that the actual or alleged act, error, or omission did not  
9 result from intentional or willful and wanton misconduct on the  
10 part of such persons.

11 15. *Rulemaking functions of the interstate commission.*

12 a. The interstate commission shall promulgate reasonable  
13 rules in order to effectively and efficiently achieve the  
14 purposes of the compact. Notwithstanding the foregoing, in  
15 the event the interstate commission exercises its rulemaking  
16 authority in a manner that is beyond the scope of the purposes  
17 of the compact, or the powers granted hereunder, then such an  
18 action by the interstate commission shall be invalid and have  
19 no force or effect.

20 b. Rules deemed appropriate for the operations of the  
21 interstate commission shall be made pursuant to a rulemaking  
22 process that substantially conforms to the model state  
23 administrative procedure Act of 2010, and subsequent amendments  
24 thereto.

25 c. Not later than thirty days after a rule is promulgated,  
26 any person may file a petition for judicial review of the  
27 rule in the United States district court for the District  
28 of Columbia or the federal district where the interstate  
29 commission has its principal offices, provided that the filing  
30 of such a petition shall not stay or otherwise prevent the  
31 rule from becoming effective unless the court finds that the  
32 petitioner has a substantial likelihood of success. The  
33 court shall give deference to the actions of the interstate  
34 commission consistent with applicable law and shall not find  
35 the rule to be unlawful if the rule represents a reasonable

1 exercise of the authority granted to the interstate commission.

2 16. *Oversight of interstate compact.*

3 a. The executive, legislative, and judicial branches  
4 of state government in each member state shall enforce the  
5 compact and shall take all actions necessary and appropriate to  
6 effectuate the compact's purposes and intent. The provisions  
7 of the compact and the rules promulgated hereunder shall have  
8 standing as statutory law but shall not override existing state  
9 authority to regulate the practice of medicine.

10 b. All courts shall take judicial notice of the compact and  
11 the rules in any judicial or administrative proceeding in a  
12 member state pertaining to the subject matter of the compact  
13 which may affect the powers, responsibilities, or actions of  
14 the interstate commission.

15 c. The interstate commission shall be entitled to receive  
16 all service of process in any such proceeding, and shall have  
17 standing to intervene in the proceeding for all purposes.  
18 Failure to provide service of process to the interstate  
19 commission shall render a judgment or order void as to the  
20 interstate commission, the compact, or promulgated rules.

21 17. *Enforcement of interstate compact.*

22 a. The interstate commission, in the reasonable exercise of  
23 its discretion, shall enforce the provisions and rules of the  
24 compact.

25 b. The interstate commission may, by majority vote of  
26 the commissioners, initiate legal action in the United  
27 States district court for the District of Columbia, or, at  
28 the discretion of the interstate commission, in the federal  
29 district where the interstate commission has its principal  
30 offices, to enforce compliance with the provisions of the  
31 compact, and its promulgated rules and bylaws, against a  
32 member state in default. The relief sought may include  
33 both injunctive relief and damages. In the event judicial  
34 enforcement is necessary, the prevailing party shall be awarded  
35 all costs of such litigation including reasonable attorney

1 fees.

2     *c.* The remedies herein shall not be the exclusive remedies  
3 of the interstate commission. The interstate commission may  
4 avail itself of any other remedies available under state law or  
5 the regulation of a profession.

6     18. *Default procedures.*

7     *a.* The grounds for default include but are not limited  
8 to failure of a member state to perform such obligations or  
9 responsibilities imposed upon it by the compact, or the rules  
10 and bylaws of the interstate commission promulgated under the  
11 compact.

12     *b.* If the interstate commission determines that a member  
13 state has defaulted in the performance of its obligations  
14 or responsibilities under the compact, or the bylaws or  
15 promulgated rules, the interstate commission shall do the  
16 following:

17         (1) Provide written notice to the defaulting state and other  
18 member states of the nature of the default, the means of curing  
19 the default, and any action taken by the interstate commission.  
20 The interstate commission shall specify the conditions by which  
21 the defaulting state must cure its default.

22         (2) Provide remedial training and specific technical  
23 assistance regarding the default.

24     *c.* If the defaulting state fails to cure the default, the  
25 defaulting state shall be terminated from the compact upon an  
26 affirmative vote of a majority of the commissioners and all  
27 rights, privileges, and benefits conferred by the compact shall  
28 terminate on the effective date of termination. A cure of the  
29 default does not relieve the offending state of obligations or  
30 liabilities incurred during the period of the default.

31     *d.* Termination of membership in the compact shall be imposed  
32 only after all other means of securing compliance have been  
33 exhausted. Notice of intent to terminate shall be given by  
34 the interstate commission to the governor, the majority and  
35 minority leaders of the defaulting state's legislature, and

1 each of the member states.

2 e. The interstate commission shall establish rules and  
3 procedures to address licenses and physicians that are  
4 materially impacted by the termination of a member state, or  
5 the withdrawal of a member state.

6 f. The member state which has been terminated is responsible  
7 for all dues, obligations, and liabilities incurred through  
8 the effective date of termination including obligations, the  
9 performance of which extends beyond the effective date of  
10 termination.

11 g. The interstate commission shall not bear any costs  
12 relating to any state that has been found to be in default or  
13 which has been terminated from the compact, unless otherwise  
14 mutually agreed upon in writing between the interstate  
15 commission and the defaulting state.

16 h. The defaulting state may appeal the action of the  
17 interstate commission by petitioning the United States district  
18 court for the District of Columbia or the federal district  
19 where the interstate commission has its principal offices. The  
20 prevailing party shall be awarded all costs of such litigation  
21 including reasonable attorney fees.

22 19. *Dispute resolution.*

23 a. The interstate commission shall attempt, upon the request  
24 of a member state, to resolve disputes which are subject to  
25 the compact and which may arise among member states or member  
26 boards.

27 b. The interstate commission shall promulgate rules  
28 providing for both mediation and binding dispute resolution as  
29 appropriate.

30 20. *Member states, effective date, and amendment.*

31 a. Any state is eligible to become a member state of the  
32 compact.

33 b. The compact shall become effective and binding upon  
34 legislative enactment of the compact into law by no less than  
35 seven states. Thereafter, it shall become effective and

1 binding on a state upon enactment of the compact into law by  
2 that state.

3     *c.* The governors of nonmember states, or their designees,  
4 shall be invited to participate in the activities of the  
5 interstate commission on a nonvoting basis prior to adoption  
6 of the compact by all states.

7     *d.* The interstate commission may propose amendments to the  
8 compact for enactment by the member states. No amendment shall  
9 become effective and binding upon the interstate commission and  
10 the member states unless and until it is enacted into law by  
11 unanimous consent of the member states.

12     21. *Withdrawal.*

13     *a.* Once effective, the compact shall continue in force and  
14 remain binding upon each and every member state, provided that  
15 a member state may withdraw from the compact by specifically  
16 repealing the statute which enacted the compact into law.

17     *b.* Withdrawal from the compact shall be by the enactment  
18 of a statute repealing the same, but shall not take effect  
19 until one year after the effective date of such statute and  
20 until written notice of the withdrawal has been given by the  
21 withdrawing state to the governor of each other member state.

22     *c.* The withdrawing state shall immediately notify the  
23 chairperson of the interstate commission in writing upon the  
24 introduction of legislation repealing the compact in the  
25 withdrawing state.

26     *d.* The interstate commission shall notify the other member  
27 states of the withdrawing state's intent to withdraw within  
28 sixty days of its receipt of notice provided under paragraph  
29 "*c*".

30     *e.* The withdrawing state is responsible for all dues,  
31 obligations, and liabilities incurred through the effective  
32 date of withdrawal, including obligations, the performance of  
33 which extend beyond the effective date of withdrawal.

34     *f.* Reinstatement following withdrawal of a member state  
35 shall occur upon the withdrawing state reenacting the compact

1 or upon such later date as determined by the interstate  
2 commission.

3 *g.* The interstate commission is authorized to develop  
4 rules to address the impact of the withdrawal of a member  
5 state on licenses granted in other member states to physicians  
6 who designated the withdrawing member state as the state of  
7 principal license.

8 *22. Dissolution.*

9 *a.* The compact shall dissolve effective upon the date of  
10 the withdrawal or default of the member state which reduces the  
11 membership in the compact to one member state.

12 *b.* Upon the dissolution of the compact, the compact becomes  
13 null and void and shall be of no further force or effect, and  
14 the business and affairs of the interstate commission shall be  
15 concluded and surplus funds shall be distributed in accordance  
16 with the bylaws.

17 *23. Severability and construction.*

18 *a.* The provisions of the compact shall be severable,  
19 and if any phrase, clause, sentence, or provision is deemed  
20 unenforceable, the remaining provisions of the compact shall  
21 be enforceable.

22 *b.* The provisions of the compact shall be liberally  
23 construed to effectuate its purposes.

24 *c.* Nothing in the compact shall be construed to prohibit the  
25 applicability of other interstate compacts to which the states  
26 are members.

27 *24. Binding effect of compact and other laws.*

28 *a.* Nothing herein prevents the enforcement of any other law  
29 of a member state that is not inconsistent with the compact.

30 *b.* All laws in a member state in conflict with the compact  
31 are superseded to the extent of the conflict.

32 *c.* All lawful actions of the interstate commission,  
33 including all rules and bylaws promulgated by the commission,  
34 are binding upon the member states.

35 *d.* All agreements between the interstate commission and the

1 member states are binding in accordance with their terms.

2 e. In the event any provision of the compact exceeds the  
3 constitutional limits imposed on the legislature of any member  
4 state, such provision shall be ineffective to the extent of the  
5 conflict with the constitutional provision in question in that  
6 member state.

7 DIVISION XXV

8 ENTREPRENEUR INVESTMENT AWARDS PROGRAM

9 Sec. 147. Section 15E.362, Code 2015, is amended by striking  
10 the section and inserting in lieu thereof the following:

11 **15E.362 Entrepreneur investment awards program.**

12 1. For purposes of this division, unless the context  
13 otherwise requires:

14 a. *"Business development services"* includes but is not  
15 limited to corporate development services, business model  
16 development services, business planning services, marketing  
17 services, financial strategies and management services,  
18 mentoring and management coaching, and networking services.

19 b. *"Eligible entrepreneurial assistance provider"* means a  
20 person meeting the requirements of subsection 3.

21 c. *"Financial assistance"* means the same as defined in  
22 section 15.327.

23 d. *"Program"* means the entrepreneur investment awards  
24 program administered pursuant to this division.

25 2. The authority shall establish and administer an  
26 entrepreneur investment awards program for purposes of  
27 providing financial assistance to eligible entrepreneurial  
28 assistance providers that provide technical and financial  
29 assistance to entrepreneurs and start-up companies seeking to  
30 create, locate, or expand a business in the state. Financial  
31 assistance under the program shall be provided from the  
32 entrepreneur investment awards program fund created in section  
33 15E.363.

34 3. In order to be eligible for financial assistance under  
35 the program an entrepreneurial assistance provider must meet

1 all of the following requirements:

2     *a.* The provider must have its principal place of operations  
3 located in this state.

4     *b.* The provider must offer a comprehensive set of business  
5 development services to emerging and early-stage innovation  
6 companies to assist in the creation, location, growth, and  
7 long-term success of the company in this state.

8     *c.* The business development services may be performed at the  
9 physical location of the provider or the company.

10     *d.* The business development services may be provided in  
11 consideration of equity participation in the company, a fee  
12 for services, a membership agreement with the company, or any  
13 combination thereof.

14     4. Entrepreneurial assistance providers may apply for  
15 financial assistance under the program in the manner and form  
16 prescribed by the authority.

17     5. The economic development authority board in its  
18 discretion may approve, deny, or defer each application  
19 for financial assistance under the program from persons  
20 it determines to be an eligible entrepreneurial assistance  
21 provider.

22     6. Subject to subsection 7, the amount of financial  
23 assistance awarded to an eligible entrepreneurial assistance  
24 provider shall be within the discretion of the authority.

25     7. *a.* The maximum amount of financial assistance awarded  
26 to an eligible entrepreneurial assistance provider shall not  
27 exceed two hundred thousand dollars.

28     *b.* The maximum amount of financial assistance provided under  
29 the program shall not exceed one million dollars in a fiscal  
30 year.

31     8. The authority shall award financial assistance on a  
32 competitive basis. In making awards of financial assistance,  
33 the authority may develop scoring criteria and establish  
34 minimum requirements for the receipt of financial assistance  
35 under the program. In making awards of financial assistance,

1 the authority may consider all of the following:

2     *a.* The business experience of the professional staff  
3 employed or retained by the eligible entrepreneurial assistance  
4 provider.

5     *b.* The business plan review capacity of the professional  
6 staff of the eligible entrepreneurial assistance provider.

7     *c.* The expertise in all aspects of business disciplines  
8 of the professional staff of the eligible entrepreneurial  
9 assistance provider.

10     *d.* The access of the eligible entrepreneurial assistance  
11 provider to external service providers, including legal,  
12 accounting, marketing, and financial services.

13     *e.* The service model and likelihood of success of the  
14 eligible entrepreneurial assistance provider and its similarity  
15 to other successful entrepreneurial assistance providers in the  
16 country.

17     *f.* The financial need of the eligible entrepreneurial  
18 assistance provider.

19     9. Financial assistance awarded to an eligible  
20 entrepreneurial assistance provider shall only be used for  
21 the purpose of operating costs incurred by the eligible  
22 entrepreneurial assistance provider in providing business  
23 development services to emerging and early-stage innovation  
24 companies in this state. Such financial assistance shall not  
25 be distributed to owners or investors of the company to which  
26 business development services are provided and shall not be  
27 distributed to other persons assisting with the provision of  
28 business development services to the company.

29     10. The authority may contract with outside service  
30 providers for assistance with the program or may delegate  
31 the administration of the program to the Iowa innovation  
32 corporation pursuant to section 15.106B.

33     11. The authority may make client referrals to eligible  
34 entrepreneurial assistance providers.

35     Sec. 148. Section 15E.363, subsection 3, Code 2015, is

1 amended to read as follows:

2 3. The Moneys credited to the fund are appropriated to  
3 the authority and shall be used to provide grants under the  
4 entrepreneur investment awards program established in section  
5 15E.362 financial assistance under the program.

6 DIVISION XXVI

7 BUSINESS-TRADE TRUCKS

8 Sec. 149. Section 321.120, Code 2015, is amended by adding  
9 the following new subsection:

10 NEW SUBSECTION. 6. If a law or rule of another state or a  
11 foreign country imposes a tax or fee on a business-trade truck  
12 which is registered in Iowa and operated in that other state  
13 or foreign country, the department shall impose a tax or fee  
14 on a business-trade truck which is registered in that state  
15 or foreign country and operated in Iowa in the same amount as  
16 the tax or fee imposed by the state or country in which the  
17 business-trade truck is registered.

18 DIVISION XXVII

19 IOWA EDUCATION SAVINGS PLAN TRUST

20 Sec. 150. Section 422.7, subsection 32, paragraph a, Code  
21 2015, is amended to read as follows:

22 a. Subtract the maximum contribution that may be deducted  
23 for Iowa income tax purposes as a participant in the Iowa  
24 educational savings plan trust pursuant to section 12D.3,  
25 subsection 1, paragraph "a". For purposes of this paragraph,  
26 a participant who makes a contribution on or before the  
27 date prescribed in section 422.21 for making and filing an  
28 individual income tax return, excluding extensions, may elect  
29 to be deemed to have made the contribution on the last day of  
30 the preceding calendar year. The director, after consultation  
31 with the treasurer of state, shall prescribe by rule the  
32 manner and method by which a participant may make an election  
33 authorized by the preceding sentence.

34 Sec. 151. RETROACTIVE APPLICABILITY. This division of this  
35 Act applies retroactively to January 1, 2015, for tax years

1 beginning on or after that date.

2 DIVISION XXVIII

3 RESIDENTIAL SWIMMING POOLS

4 Sec. 152. RESIDENTIAL SWIMMING POOLS — PRIVATE SWIMMING  
5 LESSONS. Notwithstanding any provision of law to the  
6 contrary, the department of public health shall require that  
7 a residential swimming pool used for private swimming lessons  
8 for up to two hundred seven hours in a calendar month, or the  
9 number of hours prescribed by local ordinance applicable to  
10 such use of a residential swimming pool, whichever is greater,  
11 be regulated as a residential swimming pool used for commercial  
12 purposes pursuant to chapter 135I. The department of public  
13 health may adopt rules to implement this section.

14 Sec. 153. EFFECTIVE UPON ENACTMENT. This division of this  
15 Act, being deemed of immediate importance, takes effect upon  
16 enactment.